

From: Glenn O'Rourke - Federal Chairman [REDACTED]
Sent: Wednesday, 16 October 2024 11:16 PM
To: FAD
Cc: [REDACTED]
Subject: Response to Objections
Attachments: Letter to AEC in response to TOP Name Change Application 15-10-2024.pdf

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Dear FAD,

I have attached a response to both identical objections lodged on 1 October 2024

Sincerely,

Glenn O'Rourke GDipMngt MBA
National Director
Federal Registered Officer
National Party Agent
Federal Chairman

Phone: [REDACTED]

Email: [REDACTED]

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FBFed: [REDACTED]



15 October 2024

Joanne Reid

Assistant Commissioner
Disclosure, Party Registration and Redistribution Branch
Australian Electoral Commission (AEC)
Locked Bag 4007
Canberra ACT 2601

Subject: Formal Request for Dismissal of Objections Under s 132(2)(b) of the Commonwealth Electoral Act 1918 (Electoral Act)

Dear Ms. Reid,

I write in response to the objections lodged regarding the Australian Federation Party's proposed name change to "Trumpet of Patriots". As detailed below, the objections lack merit and fall well short of the legal threshold required under the Commonwealth Electoral Act 1918, **Section 129(1)(b)**.

Further, I respectfully assert that the objections themselves meet the definition of "vexatious" as outlined by the Act, being unfounded, speculative, and without substantive evidence. I hereby formally request that the AEC dismiss these objections without further consideration, as they fail to meet the established legal standards under s 129.

Summary of Key Arguments

- 1. The objections lack merit and fail to meet the evidential standards required under Section 129 of the Act.**
- 2. The objections are, by definition, vexatious, given their reliance on speculative and immaterial associations.**
- 3. The Australian Electoral Commission (AEC) has previously confirmed that "Trumpet of Patriots" meets the requirements of Section 129, as reflected in its Statement of Reasons dated 10 November 2022.**
- 4. The objections are unsupported by factual, legal, or procedural relevance to Australian political discourse.**

1. Misapplication of s 129(1)(b) - Frivolous or Vexatious

The objectors cite **s 129(1)(b)** of the Electoral Act, alleging that the proposed name "Trumpet of Patriots" is "obscene, frivolous, or vexatious." However, this contention is unfounded.

The term "Trumpet of Patriots" contains no language that could be deemed obscene, nor does it invoke any illegal, lewd, or morally objectionable implications.

Rather, it is an aspirational title embodying values of patriotism and civic pride – ideals widely celebrated within Australian political discourse and fundamental to Australian democratic principles.

Australian Federation Party

The term "**vexatious**", as applied under **s 129 of the Act**, refers to actions intended to cause inconvenience or waste resources without legitimate basis. Given that the objections rely solely on speculative associations and unfounded concerns about "resonance" with unrelated international events, these submissions qualify as vexatious under the intended legal standards.

2. Alleged Collusion Between Objectors

The existence of two nearly identical objections submitted simultaneously further supports that the objections are vexatious. Identical or coordinated complaints suggest collusion, which may be seen as an orchestrated attempt to thwart a legitimate political process, rather than a bona fide expression of concern from independent parties.

This coordination further underscores the vexatious nature of the objections, as it demonstrates an intent to obstruct the application using baseless and repetitive complaints, rather than presenting a legitimate concern.

3. Failure to Demonstrate How the Name Is Frivolous or Obscene

The objections rest on a speculative and irrelevant interpretation of the name "Trumpet of Patriots," alleging links to events from January 6, 2021, in Washington, DC.

This is legally and factually unsound. The Act mandates that objections must provide evidence that a proposed name breaches moral or legal standards, and there is no legal basis to link our proposed name to a foreign incident. Such a tenuous connection fails to satisfy the legal standard set out by the Act.

If objections could be upheld based solely on subjective sentiments or hypothetical inferences, then widely accepted party names, including the Australian Labor Party and Liberal Party of Australia, could similarly be challenged on frivolous grounds.

Allowing these objections to succeed would set a concerning precedent for subjective interpretation, eroding the impartiality guaranteed under the Electoral Act and threatening political diversity in Australia.

As the AEC has consistently upheld, objections must rest on substantive grounds; speculative complaints lack merit in the context of Australian law.

4. Previous Findings by the AEC

I draw your attention to the AEC's comprehensive review, as stated in the AEC's Statement of Reasons dated 10 November 2022, signed by you, confirming the proposed name "Trumpet of Patriots" as fully compliant with **Section 129** of the Electoral Act. The findings included the following:

- The name does not exceed six words.
- It is not obscene, frivolous, or vexatious.
- It does not resemble the name of any existing political party in a way that would create confusion.
- It does not suggest a connection with another registered party.
- It does not contain any words requiring consent from another registered political party.

You concluded your assessment of the name Trumpet of Patriots with the following statement.

“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.”

The AEC explicitly determined that there was "no basis to refuse the name" under Section 129, affirming that it aligns with both the legal and ethical standards expected of political party names in Australia. For further reference, see the AEC's Statement of Reasons:

https://www.aec.gov.au/Parties_and_Representatives/Party_Registration/Registration_Decision_s/2022/statement-of-reasons-trumpet-of-patriots.pdf.

5. Upholding Impartiality in Party Naming Standards

Political expression, including party naming, is a fundamental part of a democratic system, as recognised by the Electoral Act. The title "**Trumpet of Patriots**" encapsulates a sense of civic duty and national pride, common in the nomenclature of political parties globally and in Australia.

Allowing subjective and speculative claims to influence party registration would introduce unpredictability into the application process, potentially opening the door to similar challenges against other aspirational or patriotic party names, and discouraging political parties from choosing names that reflect widely accepted values.

The objections should not be permitted to undermine this core principle with speculative and unsubstantiated claims, especially given that the AEC itself has approved this name as fully compliant under Section 129.

We expect **impartiality and consistency** in applying the standards of the Act, especially in maintaining the integrity of names used by registered political entities.

6. Lack of Transparency in Anonymous Objections and Potential Conflict of Interest

The Commonwealth Electoral Act 1918 does not explicitly provide for anonymity in objections to political party name registrations. **Section 132**, which addresses the objections process, does not include a provision allowing anonymity in lodging objections.

It is standard practice that objections to matters of public interest, such as party registration, should be lodged transparently, requiring identifying details to ensure legitimacy and accountability.

If the AEC has elected to redact personal particulars of objectors, it could raise a **potential conflict of interest**.

The transparency required by the Act aims to ensure that objections are lodged in good faith and that the process remains free of undue influence.

Accepting or redacting anonymous objections may create a perception of bias or favouritism and undermine confidence in the impartiality of the AEC.

Therefore, the acceptance of anonymous objections or the deliberate redacting of objections that appear duplicitous or vexatious by nature could be seen as election interference if this process unnecessarily delays our name change application ahead of an election.

The transparency mandated by the Act should be preserved to protect against baseless or politically motivated challenges.

Conclusion

In light of these points, I respectfully and formally request that the AEC summarily dismiss these vexatious objections without further consideration.

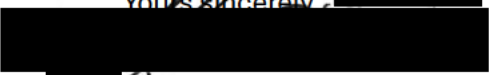
The objections lack legal merit, contravene the standards intended by Section 129, and should not delay the processing of our legitimate application.

As such, there is **no basis for the AEC to entertain further consideration of these objections.**

The proposed name change to "**Trumpet of Patriots**" fully complies with the Commonwealth Electoral Act, reflecting values aligned with Australian democratic principles.

The Australian Federation Party remains committed to upholding the principles enshrined in the Electoral Act, and we are confident in the AEC's impartial judgment to grant approval.

Yours sincerely,


Glenn O'Rourke
Registered Officer
Australian Federation Party