

**NOTICE OF PARTY REGISTRATION DECISION
APPLICATION TO CHANGE THE NAME AND ABBREVIATION AND
ENTER A LOGO IN THE REGISTER OF POLITICAL PARTIES
APPROVED
DAI LE & FRANK CARBONE NETWORK**

**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 abbreviation and enter a logo of Dai Le & Frank Carbone Network (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: Dai Le & Frank Carbone W.S.C.

Registered abbreviation: Frank Carbone Western Sydney
Community

*the image displayed here is the
registered party logo for
Dai Le & Frank Carbone Network:*



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 22 March 2024;
 - the request to vary the Application in accordance with s 131(3) of the Electoral Act received on 24 May 2024;
 - Part XI of the Electoral Act;
 - the *Commonwealth Electoral (Logo Requirements) Determination 2016* (the Determination);
 - internet searches of trademarked and licenced logos undertaken by a service provider engaged by the AEC;
 - the Register and the Register of Political Parties of each Australian State and Territory;
 - the operation of s 127 of the Electoral Act in relation to by-elections in the federal electorates of:
 - Dunkley – 29 January until 18 March 2024
 - Cook – 11 March 2024 until 22 April 2024

- written particulars objecting to the Application (referred to as ‘objections’) received from Peter;
- the response to the objection from the Party’s Secretary, Mr Frank Carbone; 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 the Secretary of the Party (s 134(1)(a));
 - set out the name and address of the applicant and particulars of the capacity in which the applicant makes the Application (s 134(2)(c); and
 - was accompanied by a fee of \$500 (s 134(2)(d)).
7. Accordingly, I am satisfied that the Application meets the requirements of ss 134(1)(a) and 134(2) of the Electoral Act.

Party name and abbreviation

8. Section 129(1)(d) of the Electoral Act states that an application for registration shall be refused if the name of the applicant party “so nearly resembles 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 is it likely to be confused with or mistaken for that name or that abbreviation or acronym, as the case may be”.
9. When undertaking an initial assessment of the Application, I considered the Party’s proposed name and proposed abbreviation against the requirements of s 129 of the Electoral Act, and reviewed the Register and the registers for each State and Territory for parties with a similar name, abbreviation or acronym. I did not find any parties in the Register or the registers of each State and Territory that had a name or abbreviation that was similar to the Party’s proposed name and abbreviation.
10. The name ‘Dai Le & Frank Carbone W.S.C.’ and abbreviation ‘Frank Carbone Western Sydney Community’ are not used by any federally registered party, and as such, do not require letters of consent under s 129(3)(b) of the Electoral Act.
11. The words in the abbreviation, ‘Western’, ‘Sydney’ and ‘Community’, do not appear in the Party’s proposed name of Dai Le & Frank Carbone W.S.C., however, the AEC does not consider the proposed abbreviation to be in contravention of s 4(1) of the Electoral Act, for reasons outlined below.
12. Section 4(1) of the Electoral Act defines an ‘abbreviation’ of a political party as:
‘... a shortened version, or an acronym, of the party’s name and does not include an alternative name of the party.’
13. There are two elements of this definition:
- first, the name must be a ‘shortened version’ or ‘acronym’ of the party’s name, and;

- second, the name cannot include an ‘alternative name’ of the party.
14. The AEC considers the abbreviation to be a shortened version of the Party’s name as it does not include the words ‘Dai’, ‘Le’ and ‘&’ and consists of five words, not six. Further, the AEC does not consider ‘Frank Carbone Western Sydney Community’ to be an alternative name of ‘Dai Le & Frank Carbone W.S.C.’ as it contains elements that are in the proposed name, in particular;
- ‘Frank’ and ‘Carbone’
 - ‘W’ clearly stands for ‘Western’
 - ‘S’ clearly stands for ‘Sydney’
 - ‘C’ clearly stands for ‘Community’.
15. In summary, the Party name, Dai Le & Frank Carbone W.S.C., and abbreviation, Frank Carbone Western Sydney Community:
- 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, 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 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 comprise or 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 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.
 - do not contain a word that is in the name, or the abbreviation of the name, of a registered political party that requires consent from an existing registered political party.
16. Accordingly, the Party’s name does not contravene ss 4, 129 or 134 of the Electoral Act.

Party logo

17. The Party logo:
- is not obscene;
 - is not the logo of any other person;
 - does not so nearly resemble the logo of any other person that it is likely to be confused with or mistaken for that logo;
 - is not one that a reasonable person would think suggests that a connection or relationship exists between the applicant and a registered political 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 (within the meaning of s 129(2)); or
 - matter that so nearly resembles the name, or an abbreviation or acronym of the name of a recognised political party (within the meaning of subsection 129(2)) that the matter is likely to be confused with or mistaken for that name or that abbreviation or acronym, as the case may be.
 - does 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 (refer paragraph 9 above)
 - is in black and white;
 - is in a vector graphic in electronic format;
 - is 100% black in a CMYK colour space;
 - is contained within a frame of 10 mm by 10 mm;
 - is able to be reproduced correctly within a frame of 7 mm by 7 mm;
 - does not include live text, transparency, overprinting, custom halftone, transfer curve or colour profile settings; and
 - is in a PDF file, of less than 5 megabytes, that complies with International Standard ISO 32000-1:2008 as in force at the time of the commencement of the *Commonwealth Electoral (Logo Requirements) Determination 2016*.
18. The words in the party’s proposed logo of ‘Western’, ‘Sydney’ and ‘Community’ do not require consent as per s 129A(2) of the Electoral Act, noting that s 129A(2) has effect subject to ss 129(5) and (6) of the Electoral Act.
19. Accordingly, based on the materials before me, I am satisfied that the logo submitted with the Application meets the requirements of s 126(2AA) of the Electoral Act and the specifications described in the Determination, and that there is no basis to refuse to enter the Party’s logo in the Register under s 129A of the Electoral Act.

Legislative framework – written particulars

20. 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.
21. On 5 July 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 5 August 2024.
22. 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 Electoral Commission should refuse to change a logo of the Party in the Register under s 129A (which concerns logos that should not be entered into the register); 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).
23. 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 5 July 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.

Objections to the Application

24. The Electoral Commission received one objection:

Written particulars from	Date received	Administrative requirements met	Grounds for objection under the Electoral Act
Peter	7 July 2024	Section 132(3)	Section 129

25. On 29 July 2024, the Party responded to the written particulars contained in the objection from Peter. The response was published on the AEC website in accordance with s 132(6) of the Electoral Act.

Objection to the Application and the Party’s responses

26. In consideration of the objection, I set out my reasons below why I consider that the Party’s proposed name and abbreviation do not infringe the terms of s 129(1)(d) or 129(1)(da) of the Electoral Act and so can be entered in the Register. The objection does not object to the Party’s proposed logo.
27. Before advertising the Application in accordance with s 132(1) of the Electoral Act, a delegate of the Electoral Commission conducted an initial assessment of the Application in accordance with s 131(1) of the Electoral Act. As part of that initial assessment, a delegate of the Electoral Commission considered the Party’s proposed name and abbreviation against the requirements of s 129 of the Electoral Act and reviewed the Register and the registers for each State and Territory for parties with a similar name. A delegate of the Electoral Commission did not consider that the Party’s name or abbreviation contravenes s 129 of the Electoral Act and as a delegate of the Electoral Commission and AEC authorised officer, proceeded to advertise the Application.
28. Consideration of the objection referred to in paragraph 23 above, requires me to consider ss 129(1)(d) and 129(1)(da) of the Electoral Act. These sections provide as follows:

129 Parties with certain names not to be registered

- (1) The Electoral Commission shall refuse an application for the registration of a political party if, in its opinion, the name of the party or the abbreviation of its name that it wishes to be able to use for the purposes of this Act:

...

(d) so nearly resembles 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, as the case may be; or

(da) is one that a reasonable person would think suggests that a connection or relationship exists between the party and a registered party if that connection or relationship does not in fact exist

29. If I am satisfied that either of the grounds in ss 129(1)(d) or (da) is established, I shall refuse the Party's Application.

Objection from Peter

30. The objection from Peter states:

1. Misleading or Confusing Name:

The proposed name "Frank Carbone Western Sydney Community" may mislead or confuse voters into thinking that it represents a broad community group or public organisation rather than a political party. The use of "Community" in the name could imply non-partisan civic representation which is not reflective of its political nature.

2. Similarity to Existing Names:

The proposed name may cause confusion due to its similarity to existing community organisations or local government entities that serve Western Sydney. This can lead to an unfair advantage or misrepresentation in the eyes of the public.

3. Public Interest:

The name change does not serve the public interest as it may falsely convey an affiliation or endorsement by community groups that is not factual, potentially affecting the integrity of the electoral process.

Objection and response

31. Peter's objection to the name concerns the words "Western Sydney" and "Community". Peter believes that voters may be misled by the terms, perceiving they are not associated with a political party
32. I take Peter's objection to be about the matters in ss 129(1)(d) and (da) of the Electoral Act, and particularly to be about s 129(1)(da) in relation to the connection or relationship that a reasonable person may think exists between "Western Sydney" and "Community" to community groups rather than a political party.
33. Peter did not object to the proposed logo of the Party.
34. The Party's response to Peter's objection states that the Party's proposed name and abbreviation do not contravene s 129 of the Electoral Act, in particular:

- “The name clearly states the name “Frank Carbone Western Sydney Community” which is not a broad name. Many registered Political Parties already approved by the AEC, already include broad names such as “Australian “ “Canberra” “ Indigenous Aboriginal Party of Australia “ “ Christians” “ Health Environment Accountability Rights Transparency” and many other broad names.
 - The proposed name clearly indicates it’s the “Dai Le & Frank Carbone W.S.C ” or abbreviated name “Frank Carbone Western Sydney Community “ (The Party). The Party is not similar to any other registered Party name and the use of the names Dai Le & Frank Carbone in the name, clearly provides its own identity, which cannot be mistaken for any other registered Party or organisation.
 - The name does not affiliate or endorse any broad community group, it clearly has its own identity as a political party.”
35. There are no grounds under Part XI of the Electoral Act, in particular s 129, to refuse the name or abbreviation of a party due to a perception that it has a relationship, or connection, with a community group. Specifically, ss 129(1)(d) and (da) of the Electoral Act are in relation to a registered or recognised political party (as per the definition of s 129(2)), and consideration is only given where they are registered or related under this Part.
36. Additionally, there are no grounds under the Electoral Act to refuse a name, abbreviation or logo due to a notion of ‘public interest’.
37. Accordingly, I do not consider these arguments as grounds to refuse the application under Part XI of the Electoral Act.

Summary

38. There are two elements to my decision on the Application, as set out in this Statement of Reasons:
- 1) a decision to change the Party’s name and abbreviation in the Register under s 129; and
 - 2) a decision that the Party’s logo should not be refused under s 129A.
39. I am satisfied on the materials before me that there is no basis to refuse the Application under ss 129 and 129A of the Electoral Act. The Party’s name, abbreviation and logo can be entered in the Register.
40. In making my decision under s 134 to change the Register, I do not consider the objection from Peter makes out sufficient grounds under s 129 of the Electoral Act to refuse to change the Party’s name and abbreviation in the Register.
41. I am satisfied that the proposed logo submitted with the Application meets the requirements of s 126(2AA) of the Electoral Act and the specifications in *Commonwealth Electoral (Logo Requirements) Determination 2016* and there is no basis to refuse to enter the Party’s logo in the Register under s 129A of the Electoral Act.

Approval of the Application

42. 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 and abbreviation and enter the logo of Dai Le & Frank Carbone Network in the Register.

Your review rights

43. 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.
44. 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?

45. 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.
46. 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?

47. The Electoral Commission, which is comprised of three members, the Australian Electoral Commissioner, a judicial member and a non-judicial member, conducts internal reviews.
48. 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?

49. 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

50. 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.
51. 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
18 September 2024