

**NOTICE OF PARTY REGISTRATION DECISION
APPLICATION TO REGISTER A PARTY IN THE REGISTER OF
POLITICAL PARTIES APPROVED
DAI LE & FRANK CARBONE NETWORK**

**Notice of decision under s 133(1) of the *Commonwealth Electoral Act 1918*
(‘Electoral Act’) and Statement of Reasons**

1. I am writing in accordance with s 133(1) of the Electoral Act to notify you of the determination of the application to register Dai Le & Frank Carbone Network (‘the Party’), as a Parliamentary party, in the *Register of Political Parties* (‘the Register’).
2. I am authorised to determine this application for party registration (‘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. Consequently, I have entered the following Party in the Register:

Name of party:	Dai Le & Frank Carbone Network
Party abbreviation:	Frank Carbone
Registered Officer:	Ms Dai Le MP
Registered Officer’s address:	68A Canley Vale Road CANLEY VALE NSW 2166

The party stated that it wishes to receive election funding.	Yes
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Materials I have taken into account

4. In making this decision, I had regard to:
 - the Application received by the Australian Electoral Commission (‘the AEC’) on 10 February 2023;
 - a letter from Ms Dai Le MP, Federal Member for Fowler, confirming she is a member of the Party;
 - Parts I and XI of the Electoral Act;
 - the Register and the Register of Political Parties of each Australian State and Territory;
 - by-elections in the federal electorates of Aston and Fadden;
 - the AEC’s *Guide for registering a party*.

Findings of Fact and Consideration

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

Procedural application requirements

6. I am satisfied that the Application meets the requirements of ss 126(2)(a)–(g) of the Electoral Act. The Application:

- was in writing, signed by the applicant (s 126(2));
- set out the name of the Party (s 126(2)(a));
- set out an abbreviation of the name of the Party (s 126(2)(b));
- set out the name and address of the person who is to be the Registered Officer of the Party for the purposes of the Electoral Act (s 126(2)(c));
- stated that the Party wishes to receive moneys under Division 3 of Part XX of the Electoral Act (s 126(2)(d));
- set out the name and address of the applicant and particulars of the capacity in which the applicant makes the Application (s 126(2)(e));
- was accompanied by a copy of the constitution of the Party (s 126(2)(f)); and
- was accompanied by a fee of \$500 (s 126(2)(g)).

Parliamentary party

As part of the Application, the AEC received a letter from Ms Dai Le MP declaring that she is a member of the Party, and not a member of any other registered political party. I was satisfied that the Party has at least one member who is a member of the Parliament of the Commonwealth, and accordingly, the Party satisfies the requirements of s 123(1)(a) of the Electoral Act.

7. Accordingly, I am satisfied that the Party's Application meets the requirements of ss 123(1) and 126(1)(a) of the Electoral Act.

Party constitution

8. A copy of the constitution of the Party accompanied the Application as required by s 126(2)(f) of the Electoral Act. The constitution provided in the Application:

- is in writing; and
- sets out the aims of the Party, at least one of which being the promotion of the election of its candidates to the Senate and/or House of Representatives.

9. Accordingly, I am satisfied that the Party meets the requirements of having a written constitution in accordance with the definition of *eligible political party* at s 123(1) of the Electoral Act and the definition of *political party* at s 4 of the Electoral Act.

Party name and abbreviation

10. 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.

11. The Party name, *Dai Le & Frank Carbone Network*, and abbreviation, *Frank Carbone*:

- 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.

12. Accordingly, I am satisfied on the materials before me that there is no basis to refuse the Application under s 129 of the Electoral Act.

Written particulars

13. Section 132(2)(b) of the Electoral Act provides that a person can only submit written particulars objecting to an application to register a party (or a logo in the case of point (iv)) on the following grounds:

- (i) the application does not relate to an eligible political party; or
- (ii) the application is not in accordance with s 126 of the Electoral Act; or
- (iii) the application should be refused under s 129 of the Electoral Act; or
- (iv) the Electoral Commission should refuse to enter a logo of the party in the Register under s 129A of the Electoral Act.

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, 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 9 May 2023, the application was advertised in 10 major newspapers circulating in each State and Territory of Australia and published on the AEC website. The advertised closing date for objections was 9 June 2023.

16. The application was suspended from 12 June 2023 to 31 July 2023, due to the operation of s 127 of the Electoral Act due to a by-election in the federal electorate of Fadden.

17. The AEC received no written particulars objecting to the Party’s Application.

Conclusion

18. For the reasons outlined above, as a delegate of the Electoral Commission for the purposes of ss 126(3) and 133(1) of the Electoral Act, I approve the application from Dai Le & Frank Carbone Network for registration in the Register.

Your Review rights

19. 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.
20. 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?

21. 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;
 - specify an address of the applicant; and
 - set out the reasons for making the application.
22. 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?

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

25. If an internal review decision has been made by the Electoral Commission a person whose interests are affected, and who is dissatisfied with the decision made by the Electoral Commission, may apply to the 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

26. 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.
27. 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
8 August 2023