

**FW: Sibraa Nomination rejection [SEC=OFFICIAL:Sensitive] [AGSDMS-DMS.FID4626744]**

Rod Culleton | Great Australian Party &lt;rod.culleton@greataustralianparty.com.au&gt;

Thu 5/19/2022 12:12 PM

To: Myles Larden | Great Australian Party &lt;myles.larden@greataustralianparty.com.au&gt;

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**From:** "Matthew.Blunn@ags.gov.au" <Matthew.Blunn@ags.gov.au>**Date:** Friday, 6 May 2022 at 11:49 am**To:** Rod Culleton | Great Australian Party <rod.culleton@greataustralianparty.com.au>, Mistie Sibraa | Great Australian Party <mistie.sibraa@greataustralianparty.com.au>, Ian Nelson | Great Australian Party <ian.nelson@greataustralianparty.com.au>, "kevin.loermans@afp.gov.au" <Kevin.Loermans@afp.gov.au>**Cc:** Legal Services Mailbox <Legal@aec.gov.au>, "ross.hinscliff@afp.gov.au" <ross.hinscliff@afp.gov.au>, Darryl O'Bryan | Great Australian Party

&lt;darryl.obryan@greataustralianparty.com.au&gt;, Darren Dickson | Great Australian Party &lt;darren.dickson@greataustralianparty.com.au&gt;

**Subject:** RE: Sibraa Nomination rejection [SEC=OFFICIAL:Sensitive] [AGSDMS-DMS.FID4626744]**OFFICIAL: Sensitive**

Mr Culleton

I am instructed to confirm that the AEC is a Commonwealth agency.

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**Matthew Blunn**

National Leader Dispute Resolution

Australian Government Solicitor

matthew.blunn@ags.gov.au

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Dear Mathew,

With reference to the previous complaint and the current complaint by the Australian Electoral Commission (AEC) on my nomination claiming, among other things, that I am not eligible to run along with others (wasted vote) along with assurance that this will be a Commonwealth election, I wish to understand the nature of the AEC in order for assurance to make (or accept) the complaint now that the Federal Police have acted. Can you confirm for the record that the AEC is a Commonwealth agency at law to assist the investigation.

By right under the Commonwealth

Rod Culleton  
Great Australian Party

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**From:** Blunn, Matthew <[Matthew.Blunn@ags.gov.au](mailto:Matthew.Blunn@ags.gov.au)>  
**Sent:** Monday, May 2, 2022 7:15:09 AM  
**To:** Rod Culleton | Great Australian Party <[rod.culleton@greataustralianparty.com.au](mailto:rod.culleton@greataustralianparty.com.au)>; Mistie Sibraa | Great Australian Party <[mistie.sibraa@greataustralianparty.com.au](mailto:mistie.sibraa@greataustralianparty.com.au)>; Ian Nelson | Great Australian Party <[ian.nelson@greataustralianparty.com.au](mailto:ian.nelson@greataustralianparty.com.au)>  
**Cc:** Legal Services Mailbox <[Legal@aec.gov.au](mailto:Legal@aec.gov.au)>; [ross.hinscliff@afp.gov.au](mailto:ross.hinscliff@afp.gov.au) <[ross.hinscliff@afp.gov.au](mailto:ross.hinscliff@afp.gov.au)>; Darryl O'Bryan | Great Australian Party <[darryl.obryan@greataustralianparty.com.au](mailto:darryl.obryan@greataustralianparty.com.au)>; Darren Dickson | Great Australian Party <[darren.dickson@greataustralianparty.com.au](mailto:darren.dickson@greataustralianparty.com.au)>  
**Subject:** RE: Sibraa Nomination rejection [SEC=OFFICIAL:Sensitive] [AGSDMS-DMS.FID4626744]

**OFFICIAL: Sensitive**

Dear Mr Culleton,

Thank you for your email.

I am instructed to again refer you to my email dated 27 April 2022, noting that your email below raises no new legal issue to respond to.

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**Matthew Blunn**

National Leader Dispute Resolution  
Australian Government Solicitor  
[matthew.blunn@ags.gov.au](mailto:matthew.blunn@ags.gov.au)

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**From:** Rod Culleton | Great Australian Party <[rod.culleton@greataustralianparty.com.au](mailto:rod.culleton@greataustralianparty.com.au)>  
**Sent:** Friday, 29 April 2022 12:21 PM  
**To:** Blunn, Matthew <[Matthew.Blunn@ags.gov.au](mailto:Matthew.Blunn@ags.gov.au)>; Mistie Sibraa | Great Australian Party <[mistie.sibraa@greataustralianparty.com.au](mailto:mistie.sibraa@greataustralianparty.com.au)>; Ian Nelson | Great Australian Party

<[ian.nelson@greataustralianparty.com.au](mailto:ian.nelson@greataustralianparty.com.au)>

**Cc:** Legal Services Mailbox <[Legal@aec.gov.au](mailto:Legal@aec.gov.au)>; [ross.hinscliff@afp.gov.au](mailto:ross.hinscliff@afp.gov.au); Darryl O'Bryan | Great Australian Party <[darryl.obryan@greataustralianparty.com.au](mailto:darryl.obryan@greataustralianparty.com.au)>; Darren Dickson | Great Australian Party <[darren.dickson@greataustralianparty.com.au](mailto:darren.dickson@greataustralianparty.com.au)>

**Subject:** Re: Sibraa Nomination rejection [SEC=OFFICIAL:Sensitive]

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Dear Mr Blunn,

Thankyou for your response on behalf of the Australia Electoral Commission (AEC). It appears the instructions you have received date are misconceived and as such we do accept your position. As party leader, I spoke directly with the electoral officers and approval was granted and proceeded for payment and that the new election was made 5 hours post approval. I cannot see how the AEC can make a judgement after approval was granted, and as such, terminate a "RIGHT".

For the avoidance of doubt, I set out a chronology of events take from contentious notes for the record and inform you that the party holds audio recordings in further support in order for the AEC to lift its prohibition which of course may bring this election in to disrepute.

**Chronology of events leading to nomination rejection letter authorised by Ruth Clarke per Mistie Sibraa:**

Monday 19<sup>th</sup> of April 2022 - Phone call to AEC Albury NSW from GAP Candidate Mistie Sibraa who spoke with Ruth Clarke and inquired and given clear instructions on how to successfully submit the nomination form and payment to AEC remotely.

Ruth Clarke advised Mistie Sibraa that the documents for nomination can be express posted to the office and that a bank cheque would be acceptable payment, as payment by debit card over the phone would not be an acceptable form of payment.

Tuesday 20<sup>th</sup> of April 2022 – Australia Post officer advised Mistie Sibraa that a money order would be acceptable form of substitute payment to bank cheque after being advised by Mistie Sibraa that there is no bank in town to be able to source a bank cheque from. Mistie Sibraa sent \$2000.00 money order and the nomination form (completed via online form completion software) via express post to AEC division of Farrer NSW.

Wednesday 21<sup>st</sup> of April 2022 –

0922 hrs – Documents received by Ruth Clarke Albury NSW AEC office.

1730 hrs – Phone call to Mistie Sibraa from Ruth Clarke to advise Mistie Sibraa that the money order would not be accepted. Ruth Clarke explained to Mistie Sibraa that debit card payment over the phone would now be accepted. Mistie Sibraa stated she would phone back the following morning with payment bringing the total financial output to \$4000.00 pending money order being returned to Mistie Sibraa. Mistie Sibraa questioned Ruth Clarke about the status of the documents received from her and asked if all the information had been found without error. Mistie Sibraa was advised by Ruth Clarke that the nomination forms she had received from Mistie had been checked and they were without error and fully complied for acceptance in order to proceed to payment.

Thursday 22<sup>nd</sup> of April 2022 –

0830 hrs – 0900 hrs Mistie Sibraa phoned Ruth Clarke at Albury NSW AEC office to make \$2000.00 payment to complete the nomination process. Mistie Sibraa inquired a second time as to the validity of the paperwork she had sent the AEC, saying "is everything else ok?" Ruth Clarke is reported stating "yes it is" your nomination has been accepted by the AEC and payment was accepted.

1130 hrs – Ruth Clarke phoned Mistie Sibraa to advise her that there was an omission on her paperwork that was able to be corrected over the phone. The errata was non selection of gender on Mistie Sibraa's nomination form. It is reported that Ruth Clarke corrected this whilst on the phone to Mistie Sibraa and once again stated that all other sections of Mistie Sibraa's form had been completed correctly.

1730hrs – Mistie Sibraa received a phone call from Ruth Clarke at Albury NSW AEC office to advise her that her nomination had been rejected.

Albeit that said, the audio recording(s) state the contrary as to what you have been advised including, but not limited to, that the entity purporting to dismiss the nomination (Ruth Clarke) was not the author and as such (again) purports to be executed in her name deeming the notice incurable and defective at law Furthermore, Virginia Lyndermire also stated the contrary to Ms Clarke dismissing her statement, by stating that she had no involvement, to whereby, both AEC Officials are at cross purposes. Ms Lyndermire gave an undertaking to have the AEC legal team contact us immediately to avoid any potential ongoing damage to which no call was ever made and as such remains wanting; See *Public Performance and Accountability Act* .

I ask in the interest of the Australian voter that Mistie Sibraa's nomination must proceed in the interest of the Australian voter and public. Evidence to the contrary will need to be made available to the Australian public to show why the AEC can make such a judgement at law to remove a political right and further show what prerogative power the Australian Electoral Commission holds under commonwealth law as Mr Andrew Johnson has confirmed in writing that this election is being held in accordance with the Commonwealth Constitution Act 1900(UK).

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Rod Culleton  
Founder and Party Leader Great Australian Party

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**From:** "Blunn, Matthew" <[Matthew.Blunn@ags.gov.au](mailto:Matthew.Blunn@ags.gov.au)>  
**Date:** Wednesday, 27 April 2022 at 6:56 am  
**To:** Rod Culleton | Great Australian Party <[rod.culleton@greataustralianparty.com.au](mailto:rod.culleton@greataustralianparty.com.au)>, Ian Nelson | Great Australian Party <[ian.nelson@greataustralianparty.com.au](mailto:ian.nelson@greataustralianparty.com.au)>, Tony Dobran | Great Australian Party <[tony.dobran@greataustralianparty.com.au](mailto:tony.dobran@greataustralianparty.com.au)>, Mistie Sibraa | Great Australian Party <[mistie.sibraa@greataustralianparty.com.au](mailto:mistie.sibraa@greataustralianparty.com.au)>  
**Cc:** "Cooper, Abigail" <[Abigail.Cooper@ags.gov.au](mailto:Abigail.Cooper@ags.gov.au)>  
**Subject:** Sibraa Nomination rejection [SEC=OFFICIAL:Sensitive]

**OFFICIAL: Sensitive**

Dear Mr Culleton and Mr Nelson

We have been instructed to act for the AEC in relation to your correspondence with the AEC (to which we refer) concerning Ms Mistie Sibraa's attempt to nominate as a candidate for the House of Representatives (the **Nomination**).

We refer to the AEC's letter to Ms Sibraa dated 21 April 2022. That letter sets out clearly the reasons why the Nomination was defective and was required by operation of the *Commonwealth Electoral Act 1918* (the **Act**) to be rejected.

The only relevant action taken by the AEC in relation to the Nomination was an assessment of its compliance with the requirements of the Act. The fact that officers of the AEC made every reasonable attempt to assist Ms Sibraa to comply with those requirements is not a matter relevant to whether the Nomination in fact complied with the requirements of the Act.

It is regrettable that, having been alerted to the fact that her nomination did not comply with the requirements of the Act, Ms Sibraa did not immediately seek to remedy that non-compliance by submitting a

new nomination form.

We note your reliance on s 170(1A) of the Act. That provision is triggered where the candidate checklist is filled out as instructed. As you are aware, Ms Sibraa's checklist was not filled out as instructed. For completeness, we note that the cover page of the candidate qualification checklist warns intending candidates of the requirements in ss 4, 170(1)(d) and 172(1) of the Act, which, if not followed, requires the AEC to reject a nomination. Specifically the statement on the qualification checklist warns, with emphasis added:

You must answer every question in the checklist that has check boxes by marking one, and only one, of the boxes provided. Your nomination will be rejected if you do not mark any of the boxes, or if you mark more than one of the boxes, provided for any of these questions.

In circumstances where the Nomination did not comply with the requirements of the Act and the date for the nomination of candidates mandated by s 156 of the Act has passed, there is no further lawful step that the AEC can take in relation to the Nomination. Accordingly, the AEC is not able to comply with your demands.

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**Matthew Blunn**

National Leader Dispute Resolution

Australian Government Solicitor

[matthew.blunn@ags.gov.au](mailto:matthew.blunn@ags.gov.au)

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**From:** Rod Culleton | Great Australian Party <[rod.culleton@greataustralianparty.com.au](mailto:rod.culleton@greataustralianparty.com.au)>

**Sent:** Tuesday, 26 April 2022 6:01 PM

**To:** Legal Services Mailbox <[Legal@aec.gov.au](mailto:Legal@aec.gov.au)>; Ian Nelson | Great Australian Party <[ian.nelson@greataustralianparty.com.au](mailto:ian.nelson@greataustralianparty.com.au)>; Tony Dobran | Great Australian Party <[tony.dobran@greataustralianparty.com.au](mailto:tony.dobran@greataustralianparty.com.au)>

**Cc:** Mistie Sibraa | Great Australian Party <[mistie.sibraa@greataustralianparty.com.au](mailto:mistie.sibraa@greataustralianparty.com.au)>

**Subject:** FW: Mistie Sibraa Nomination rejection

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**First Reminder**

Dear Andrew Johnson,

I again write to further advise of a concerning matter relating to the Great Australian Party lower house candidate for the seat of Farrer NSW, Mistie Sibraa. I have since sought preliminary advice from Mr Peter King and have been advised that any defect the AEC claims at nomination was waived upon consideration cannot go back on acceptance. I ask, as matter of urgency, that Mrs Sibraa's application be immediately reinstated in order for her to continue her campaigning without prejudice of her political right[s].



Rod Culleton

Rodney Culleton

Founder and Leader of The Great Australian Party

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**From:** Rod Culleton | Great Australian Party <[rod.culleton@greataustralianparty.com.au](mailto:rod.culleton@greataustralianparty.com.au)>  
**Date:** Saturday, 23 April 2022 at 9:34 am  
**To:** Mistie Sibraa | Great Australian Party <[mistie.sibraa@greataustralianparty.com.au](mailto:mistie.sibraa@greataustralianparty.com.au)>, Mistie Ashmore <[mistie.ashmore@gmail.com](mailto:mistie.ashmore@gmail.com)>  
**Subject:** FW: Mistie Sibraa Nomination rejection

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**From:** Rod Culleton | Great Australian Party <[rod.culleton@greataustralianparty.com.au](mailto:rod.culleton@greataustralianparty.com.au)>  
**Date:** Saturday, 23 April 2022 at 9:31 am  
**To:** Legal Services Mailbox <[Legal@aec.gov.au](mailto:Legal@aec.gov.au)>  
**Cc:** Ian Nelson | Great Australian Party <[ian.nelson@greataustralianparty.com.au](mailto:ian.nelson@greataustralianparty.com.au)>  
**Subject:** Mistie Sibraa Nomination rejection

Dear Andrew Johnson,

I am writing to advise of a concerning matter relating to the Great Australian Party lower house candidate for the seat of Farrer NSW, Mistie Sibraa.

Mistie was advised on multiple occasions her nomination paperwork was in order and no alleged errater was requiring her attention. Pre-approval was granted after satisfying the mandatory checklist showing to be in full compliance triggering the \$2000 payment.

It now appears the AEC has, post deadline, adopted a different view and is claiming, among other things to have the power to withdraw her nomination on grounds that appear in contravention to s170 (see below).

On inquiry, the notice purports to be written by an AEC authorised officer Ruth Clark. Ruth states in the attached letter she has made the decision to reject Mistie's nomination, although when I spoke to her on the phone, she denied being the person who made the decision. Ruth referred our complaint to a higher positioned person named Virginia Lyndermyer who also claimed she had nothing to do with the notice and refused to speak about the issue.

Mrs Sibraa has made her position very clear, that she denies the claim being made within the notice, of marking questions 6 & 8 with a double selection. The nomination was rejected five hours after payment was accepted and being told the paper work was in order. Unless it can be proven that no other person had the opportunity to alter her form after it had been cleared three times by Ruth Clark, we ask that you immediately intervene and remedy the matter.

S170(1A) To avoid doubt, the validity of a person's nomination is not affected if an answer to a question in the [qualification checklist](#) in the nomination is incorrect, false or inadequate.

Regards

Rodney Culleton and Ian Nelson  
Leader and President of The Great Australian Party

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