

**NOTICE OF PARTY REGISTRATION DECISION  
APPLICATION TO CHANGE A LOGO 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 logo 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. Consequently, I have entered the following changes in the Register:

*current registered name* **Australian Federation Party**

*the image displayed here is the  
registered party logo for Australian  
Federation Party:*



**Materials I have taken into account**

4. In making my decision, I have had regard to:
  - the Application to change a logo of the Party in the Register received by the Australian Electoral Commission (AEC) on 11 November 2021;
  - Part XI of the Electoral Act;
  - the *Commonwealth Electoral (Logo Requirements) Determination 2016*;
  - internet searches of trademarked and licenced logos undertaken by a service provider engaged by the AEC;
  - written particulars objecting to the Application (referred to as 'objections') received from persons named 'John', 'Roderick', 'Patricia', 'Robert' and 'Ken';
  - the responses to the objections from the Party ('the Response');
  - the Register and the Register of Political Parties of each Australian State and Territory; and
  - the AEC *Guide for maintaining party registration*.

**Findings of Fact**

5. On the material before me, I make the following findings:  
Procedural application requirements
6. The Application:
  - was in writing, signed by three members of the Party; and

- set out the name and address 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 Logo

8. 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 Party and a registered political party if that connection or relationship does not in fact exist;
- does not comprise the words “Independent Party”;
- does 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;
- does not contain a word that is in the name, or the abbreviation of the name, of a registered political party and therefore does not require consent from an existing registered political party;
- 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*.

9. Accordingly, on the basis of 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 *Commonwealth Electoral (Logo Requirements) Determination 2016* and that there is no basis to refuse to change the Party’s logo in the Register under s 129A of the Electoral Act.

#### Written particulars

10. 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.

11. On 10 January 2022, a Notice of the Application was advertised in 10 major newspapers and published on the AEC website in accordance with s 132(1) of the Electoral Act.

Objections to the Application

12. The Electoral Commission received 5 objections:

<b>Written particulars from</b>	<b>Date received</b>	<b>Administrative requirements met</b>	<b>Grounds for objection under the Electoral Act</b>
'John'	28 Jan 2022	Yes	s 129A
'Roderick'	28 Jan 2022	Yes	s 129A
'Patricia'	28 Jan 2022	Yes	s 129A
'Robert'	7 February 2022	Yes	s 129A
'Ken'	25 February 2022	Yes	s 129A

13. Summary of Objection from John:

'I oppose the Party's proposed logo on the basis it could confuse voters as it resembles a tick of approval. A logo should be related to the Party and not be confused with objects in regular use.'

14. Summary of Objection from Roderick:

'My concern is that this is confusing to some voters when it appears on a ballot paper. It too closely represents and symbolises and guides that one should place a 'tick' there. Logos should not in anyway represent the usual marks that voters make on their ballot papers.'

15. Summary of Objection from Patricia:

'The logo is misleading particularly for those with limited English. It looks like a tick of approval...'

16. Summary of Objection from Robert:

'This symbol, or variations of it, are commonly used by all/many of community groups in a wide variety of situations. Should registration of this logo compromise the use of the symbol by others would, I consider, be anti-democratic. I could envisage even law suits.'

17. Summary of Objection from Ken:

'It seems to me entirely inappropriate for one particular party to claim registration rights over a neutral symbol such as a circle with a tick in it.'

'This is a very widely used symbol in one form or another that is used in many communications and a multitude of different forms, including potentially in electoral voting papers. As such it could easily create ambiguity or be mistaken for giving some form of endorsement that is quite unintentional with respect to this particular political party.'

18. On 15 February, 21 February and 4 March 2022, the Party responded to the objections and the responses were published on the AEC website in accordance with s 132(6) of the Electoral Act.

19. The Registered Officer of the Party, Mr Glenn O'Rourke, responded to the objections stating 'the approval of our logo in no way compromises anyone else with regards to using any similar logo outside of Federal Political Parties.'
20. Further to this, the Party also stated, 'Our logo application does not meet any of the listed requirements to be refused.'

Administrative requirements

21. Section 132(2)(b) of the Electoral Act provides that a person can only submit written particulars objecting to an application (or a logo in the case of point (iv)) on the following grounds:
- (i) the application is not in accordance with s 134 of the Electoral Act; or
  - (ii) the Electoral Commission should refuse to enter a logo of the Party in the Register under s 129A of the Electoral Act.
22. I do not consider that any of the objections have provided grounds under s 129A of the Electoral Act that indicate that the Application has not been made in accordance with the requirements for a 'change to the Register' application under s 134 of the Electoral Act.

Consideration of objections and the response

23. I am of the view that the objections have been made on the basis that the logo is prohibited under s 129A of the Electoral Act.
24. Section 129A of the Electoral Act outlines the requirements for registering party logos. An objection to a party logo, which is made on the grounds of s 132(2)(b)(iii) of the Electoral Act, can be made against any of the requirements outlined under s 129A of the Electoral Act.
25. Section 129A of the Electoral Act provides:

*The Electoral Commission may refuse to enter a logo in the Register if, in its opinion, the applicant's logo:*

- (a) is obscene; or*
- (b) is the logo of any other person; or*
- (c) so nearly resembles the logo of any other person that it is likely to be confused with or mistaken for that logo; or*
- (d) is 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; or*
- (e) comprises the words "Independent Party" or comprises or contains the word "Independent" and:*
  - i. the name, or an abbreviation or acronym of the name, of a recognised political party (within the meaning of subsection 129(2)); or*
  - ii. 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.*
- (f) does not contain a word that is in the name, or the abbreviation of the name, of a registered political party and therefore does not require consent from an existing registered political party.*

26. When considering the five objections received during the public consultation period, I understand each of these to relate to the use of the 'tick' symbol. The objections raise questions about the apparent 'generic' nature of the Party's proposed logo. I reject these objections on the basis that the question in issue is if there are sufficient grounds to refuse to change the Party's registered logo, and if it *'so nearly resembles the logo of any other person that it is likely to be confused with or mistaken for that logo'*.
27. In my initial consideration of the application, the AEC engaged a service provider to undertake background checks and searches of trademarked and licenced logos. These did not reveal there were any other 'persons' with that logo, that it could be confused with. Nor have the objectors provided, or referred to, a specific entity (or person) that has the same or similar logo.
28. I have also considered the logo in accordance with Part XI of the Electoral Act. It should be noted that the logo will appear in the Register, alongside relevant information pertaining to the Party. The logo, should the Party wish, may also appear on the ballot paper for a federal electoral event. The addition of a party logo is not viewed in isolation, but rather as an addition to the Party name.
29. While the objections to the logo being 'too similar' to symbols used by many entities, or 'generic' in nature, assert that the proposed logo 'could mislead voters' in the casting of their vote, this is not a relevant ground for refusing to change (or enter) a logo in the Register under s 129A.
30. Therefore, I do not consider the grounds provided by any objector to be sufficient to refuse to change the Party logo within the meaning of ss 126(2AA), 126(2AB), and 129A of the Electoral Act.
31. I have also considered the responses lodged by the Party on 15 February, 21 February and 4 March 2022.
32. The Party's response to the objections, stated that '... the approval of our logo in no way compromises anyone else with regards to using any similar logo outside of Federal Political Parties.'
33. Additionally, the Party also stated, 'Our logo application does not meet any of the listed requirements to be refused.'
34. In summary, the proposed logo is not prohibited under s 129A of the Electoral Act and accords with the requirements set out in ss 126(2AA) and 126(2AB) of the Electoral Act.
35. 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 logo of Australian Federation Party in the Register.

### **Your review rights**

36. 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.
37. Requests for review of this decision should be addressed to Mr Tom Rogers, Australian Electoral Commissioner, and emailed to [commission.secretariat@aec.gov.au](mailto:commission.secretariat@aec.gov.au) or by post to Locked Bag 4007, Canberra City ACT 2601.

### How do I request an internal review?

38. 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.
39. 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?

40. The Electoral Commission, which is comprised of three members: the Australian Electoral Commissioner, a judicial member and a non-judicial member, conducts internal reviews.
41. 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?

42. 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 is 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](http://www.aat.gov.au/applying-for-a-review/how-to-apply).

### Freedom of Information

43. 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](http://www.aec.gov.au/information-access/index.htm).
44. Should you have any queries regarding party registration, please contact the AEC on 02 6271 4552, visit [www.aec.gov.au](http://www.aec.gov.au) or email [fad@aec.gov.au](mailto:fad@aec.gov.au).

Yours sincerely  
(signed)

Joanne Reid  
Assistant Commissioner, Delegate of the Electoral Commission  
11 March 2022