



## Procedural requirements

The Application:

- was in writing, signed by three members of the Party;
- set out the name and address of the applicants and particulars of the capacity in which each applicant makes the Application; and
- was accompanied by a fee of \$500.

Accordingly, I am satisfied that the Application meets the requirements of ss 134(1)(a) and 134(2) of the Electoral Act.

## Party name

The name 'Sustainable Australia Party - Universal Basic Income':

- does not comprise more than 6 words;
- is not obscene, frivolous or vexatious;
- is 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;
- does not so nearly resemble the name, 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;
- is not one that a reasonable person would think suggests a connection or relationship exists between the Party and a registered party;
- does not comprise the words "Independent Party";
- does not 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 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 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.

Under ss 129(5)(a) –(c) of the Electoral Act 'the name of a country' and 'a collective noun for people' do not require consent. Schedule 1, paragraphs 12 to 16 of the [Explanatory Memorandum](#) to the *Electoral Legislation Amendment (Party Registration Integrity) Act 2021*, words specified under s 129(5)(b) and (c) are also intended to include the terms; 'Collective noun for people' is intended to include words including, but not limited to, 'Party', 'Group', 'Alliance', 'Network' and 'Team'. Therefore, 'Australia' and 'Party' do not require consent.

'Sustainable', 'Universal', 'Basic' and/or 'Income' are not used by any federally registered party, as such, do not require letters of consent under s 129(3)(b) of the Electoral Act. In accordance with ss 123(2) and 129(2) of the Electoral Act regarding the Party's name, it was determined that three state registered parties containing the word 'Sustainable' are related to the Party. The AEC contacted the Party to confirm that the aforementioned state registered parties are related to the Party. The Party confirmed that the state registered parties are

related to the Party. Accordingly, the Party's name does not contravene ss 129(1)(c) and (d) of the Electoral Act.

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

#### Party logo

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 (see 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*.

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 change the Party's logo in the Register under s 129A of the Electoral Act.

## Legislative framework – written particulars

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.

On 10 October 2023, 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 10 November 2023.

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 name and abbreviation tests);
- 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).

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 10 October 2023; 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.

## Objection to the Application

the Electoral Commission received one objection:

<b>Written particulars from</b>	<b>Date received</b>	<b>Administrative requirements met</b>	<b>Grounds for objection under the Electoral Act</b>
'Nicki'	10 October 2023	Yes	Section 129A

## Summary of Objection from Nicki

'The new logo device proposed by the Sustainable Australia Party using a Dollar sign inside a speech bubble with the \$500pw under it should not be allowed.

These symbols are commonly used in business and by commerce and should remain in the common domain.

Just as these images should not and probably would not be approved at a Trademark level.

They should not be just for the use of any particular organisation or political party'.

On 25 October 2023, the Party responded to the written particulars contained in the objection from 'Nicki'. The response was published on the AEC website in accordance with s 132(6) of the Electoral Act.

The response from the Party to the objection is outlined below.

'Thank you for this email. Our response is as follows:

The objection dated 10 October 2023 does not address the relevant legislation and is therefore invalid'.

### Consideration of objection and response

I am of the view that the objection has been made on the alleged basis that the logo of the Party should be refused under s 129A of the Electoral Act.

I have considered, and reject the objection from 'Nicki', for the following reasons.

### Section 129A of the Electoral Act

I considered the Application against ss 123, 129, 129A and 134 of the Electoral Act when undertaking the initial assessment which I approved, as a delegate of the Electoral Commission and AEC authorised officer for advertising under s 132(1) of the Electoral Act.

I am satisfied that the Party logo is not obscene and is not the logo of any other person. Nor does it so nearly resemble the logo of any other person that is likely to be confused with or mistaken for that logo. Furthermore, it does not contain a word that is in the name, or the abbreviation of the name, of a registered political party.

I acknowledge that the dollar sign is a symbol used in the common domain, however, this is not a valid reason to refuse a logo under the provisions of Part XI of the Electoral Act. Additionally, I note that in the context of a ballot paper, a party's logo is not viewed in isolation and will appear alongside a party's name or abbreviation.

The objection is not supported by evidence that the Party's Application has failed to satisfy any of the requirements under s 129A of the Electoral Act.

### Approval of the Application

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 logo of Sustainable Australia Party - Stop Overdevelopment / Corruption in the Register.

## Your review rights

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.

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 posted to Locked Bag 4007, Canberra City ACT 2601.

### How do I request an internal review?

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.

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?

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

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?

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

### Freedom of Information

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).

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).

(signed)

Joanne Reid  
Assistant Commissioner  
Delegate of the Electoral Commission  
23 November 2023