

**NOTICE OF PARTY REGISTRATION DECISION
APPLICATION TO ENTER A LOGO IN THE REGISTER OF
POLITICAL PARTIES APPROVED
THE AUSTRALIAN MENTAL HEALTH PARTY**

Notice of decision under subsection 134(6A) of the *Commonwealth Electoral Act 1918* (the Electoral Act) and Statement of Reasons

I am writing in accordance with subsection 134(6) of the Electoral Act to notify you of the determination of the application to enter the logo for The Australian Mental Health Party (the Party) in the *Register of Political Parties*.

I am authorised to determine this application under section 134 of the Electoral Act as a delegate of the Electoral Commission.

Decision

I have determined that the application to enter the Party's logo in the *Register of Political Parties* should be approved under subsection 134(6) of the Electoral Act.

Reasons for Decision

I have decided to approve the application to enter the Party's logo. Consequently, I have entered the following logo in the *Register of Political Parties*, as set out in the application:



Materials I have taken into account

In making my decision, I have had regard to:

- the application to enter the logo for the Party received by the Australian Electoral Commission (AEC) on 15 June 2018;
- Part XI of the Electoral Act;
- internet searches of trademarked and licenced logo images undertaken by a service-provider engaged by the AEC;
- the *Commonwealth Electoral (Logo Requirements) Determination 2016*;
- the *Register of Political Parties* of each Australian state and territory; and
- the *AEC Party Registration Guide*.

Findings of fact

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

Party logo

The logo set out in the application:

- 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”;
- 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;
- is in black and white;
- is 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 or overprinting and 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 this instrument commences.

Accordingly, on the basis of the materials before me, I am satisfied that the proposed Party logo meets the requirements of subsection 126(2AA) and section 129A of the Electoral Act and the specifications described in *Commonwealth Electoral (Logo Requirements) Determination 2016*.

Other procedural application requirements

The application:

- was in writing, signed by three members of the Party;
- set out the names and addresses of the applicants and particulars of the capacity in which each applicant makes the application.

On 20 February 2019, I determined that the application had passed the initial assessment and approved the advertisement of the application under paragraph 132(1)(c) of the Electoral Act. A notice of the application was advertised on the AEC website and in 10 major newspapers on 26 February 2019. The closing date for objections was 26 March 2019.

No written particulars objecting to the application were received.

Accordingly, I am satisfied that the application to enter the Party’s logo meets the requirements of paragraph 134(1)(b) and subsection 134(2) of the Electoral Act for a non-Parliamentary party.

Your review rights

Under subsection 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 or posted to Locked Bag 4007, Canberra City ACT 2601.

How do I request an internal review?

In accordance with subsections 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 subsection 141(4) of the Electoral Act, the Electoral Commission 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?

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 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

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.

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.

Gabrielle Paten
Assistant Commissioner
Delegate of the Electoral Commission

7 April 2019