


**NOTICE OF PARTY REGISTRATION DECISION
APPLICATION TO CHANGE A LOGO IN THE REGISTER OF
POLITICAL PARTIES APPROVED
LIBERAL DEMOCRATIC 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 Liberal Democratic 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 **Liberal Democratic Party**
*the image displayed here is the
registered party logo for Liberal
Democratic 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 2022;
 - 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 'Cameron', 'Robert', 'William', 'Tyler' and 'Jeff';
 - the response 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 *Party Registration Guide*.

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.
12. The Electoral Commission received 5 objections:

Written particulars from	Date received	Administrative requirements met	Grounds for objection under the Electoral Act
'Cameron'	10 Jan 2022	Yes	s 129A
'Robert'	11 Jan 2022	Yes	s 129A
'William'	15 Jan 2022	Yes	s 129A
'Tyler'	25 Jan 2022	Yes	s 129A
'Jeff'	27 Jan 2022	Yes	s 129A

13. Summary of Objection from Cameron:

'To whom it may concern

I would like to lodge an objection to the proposed Liberal Democrat logo because it is too similar to that of the Liberal Party's. The 'D' in the proposed logo may be confused for a P due to the very small gap between that and the L. As a result the logo could be read as LP, the initials of the liberal party'.

14. Summary of Objection from Robert:

'I object to a political party to be registered "Liberal Democratic Party ". We already have the Liberal Party so no other party should use the name Liberal. It is very simple the name Liberal should never be used by another party. Again no other party should use the name * Labor or Labour*. I really find it hard to believe that the name is even being considered and has not been rejected already on application'.

15. Summary of Objection from William:

'It seems to me that AEC must have ignored that precedent and concluded that "Liberal" was not the exclusive preserve of the LPA. even though it had identified itself and was widely known in the electorate as the Liberal Party, exclusively for over 70 years.

In my view the AEC did not have proper regard to Section 129A of the Electoral Act and now it is presented with a new application which if granted will totally remove the most important distinguishing characteristic of the big "L" in its logo..

We live in a time of logos, brand names and subliminal advertising. Electors are used to scanning logos. But they make mistakes and could easily do so as a quick confident scan could lead them to voting for a candidate from the party they do not intend to support.

If you approve this Application for amendment, you will in my opinion, facilitate the introduction of confusion in the minds of a significant number of electors. With so many electorates having close votes it is very likely that a result not honestly and fairly intended by the electorate could result. I invite you to ask yourself what is the underlying motive of the three applicants? I can only see duplicity'.

16. Summary of Objection from Tyler:

'Firstly, as referenced in line 1da, a logo change should be rejected if "a reasonable person would think (that it) suggests that a connection or relationship exists between the party and a registered party if that connection or relationship does not in fact exist". The main focus of the logo is a star inside a giant L, which is similar to the giant L already being carried by the Liberal Party of Australia. Existing use of the colour logo on social media (attached below) also suggests the colour makeup of the party will be similar to the Liberal Party.

Secondly, as referenced in line 1d, the party's logo or name should be rejected as it "so nearly resembles the name, or an abbreviation or acronym of the name, of another political party... that it is likely to be confused with or mistaken for that name". By removing the word "democrats" from the party logo, it could easily be mistaken for the larger Liberal Party'.

17. Summary of Objection from Jeff:

'I believe the new LDP logo has been intentionally designed to be confused with the Liberal Party logo and should be rejected by the AEC under sections 129A(1)(c) and (d) of the Commonwealth Electoral Act 1918.'

18. On 10 February 2022, the Party responded to the objections and the response was published on the AEC website in accordance with s 132(6) of the Electoral Act.

19. The Registered Officer of the Party, Mr Robert McCathie, responded to the objections stating that the Party's use of the letter 'L' in the form of a logo are not monopolised by any other political parties, particularly Liberal Party of Australia. The response by Mr McCathie also stated that two of the objections ('Tyler' and 'Jeff') were unrelated to the Party's application to change their logo as they objected to the Party's name.

Objections to the Application

Administrative requirements

20. 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.

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

21. 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.

22. 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.

23. 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.*

24. When considering the objections from 'Robert' and 'William', I understand the objections are in relation to the Party's name, and not the change sought to the Register. I reject these objections on the basis that the question in issue is not in relation to the currently registered name of the Party, but if there are sufficient grounds to refuse to change the Party's registered logo. 'Robert' and 'William' have not raised any grounds that are relevant to the logo change.
25. I have also considered, and reject, objections from 'Cameron', 'Tyler' and 'Jeff' for the following reasons.
26. I considered the use of the letters 'L' and 'D' in the proposed logo, and reviewed the Register and the registers in each State and Territory for parties with a similar logo. The proposed logo is not the exact logo of another Party. Nor do I consider the logo suggests a connection or relationship with another party, where in fact one does not exist.
27. While 'Cameron' objects to the logo being 'too similar' to Liberal Party of Australia's logo and asserts that the proposed logo 'could be read as 'LP', the initials of the liberal party', I note that the registered abbreviation of Liberal Party of Australia is 'Liberal', and not the initials 'LP'. Nor is it the abbreviation of Liberal Democratic Party, being 'Liberal Democrats'.
28. Additionally, the proposed logo of the Party does not contain any words, unlike that of Liberal Party of Australia, which contains the word 'Liberal'.
29. 'Tyler' raises the issue of both logos containing 'a star inside a giant L', which may suggest a connection or relationship exists between the Party and a registered party when that connection or relationship does not in fact exist.
30. The logos for both the Party and Liberal Party of Australia have a distinguishable star; however it is important to note that the logo of Liberal Party of Australia is stylised to represent a large letter 'L' and incorporates the Australian National Flag including the

Southern Cross. It does not contain a capital letter 'D'. These two factors distinguish the logos from each other and I do not consider these valid grounds to think a 'connection or relationship exists between the applicant and a registered political party if that connection or relationship does not in fact exist' as per s 129A(1)(d) of the Electoral Act.

31. 'Tyler' also raises the issue that the use of a colour logo on social media could cause confusion. I direct 'Tyler' to ss 126(2AA) and 126(2AB) of the Electoral Act, which set out the requirements for logos.
32. Section 126(2AA)(a) of the Electoral Act provides that logos be black and white, and therefore do not consider this a valid objection under ss 129A or 134 of the Electoral Act. In addition the Electoral Act regulates the approval of logos for use on ballot papers only. The AEC has no authority to regulate the use of party logos on social media or other public forums.
33. In relation to the objection from 'Jeff', it does not provide any additional grounds for objection to the objections from 'Cameron' or 'Tyler' for the reasons outlined above.
34. Therefore, I do not consider the grounds provided by 'Cameron', 'Tyler' and 'Jeff' 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.
35. I have also considered the response lodged by the Party on 10 February 2022.
36. The Party's response to the objections, states that 'it cannot be credibly claimed that the Liberal Party has a monopoly on the use of the letter 'L''.
37. Additionally, the Party state that the proposed logo is 'substantively different to the logo used by the Liberal Party'. The Party also reject the objection from 'Tyler' and 'Jeff' on the basis that they are objecting to the Party's name, and not the Party's application to change their logo.
38. 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.
39. 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 Liberal Democratic Party in the Register.

Your review rights

40. 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.
41. 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 by post to Locked Bag 4007, Canberra City ACT 2601.

How do I request an internal review?

42. 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.

43. 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?

44. The Electoral Commission, which is comprised of three members: the Australian Electoral Commissioner, a judicial member and a non-judicial member, conducts internal reviews.
45. 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?

46. 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.

Freedom of Information

47. 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.
48. 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.

Yours sincerely
(signed)

Joanne Reid
Assistant Commissioner, Delegate of the Electoral Commission
18 February 2022