

**NOTICE OF PARTY REGISTRATION DECISION
APPLICATION TO CHANGE A PARTY'S NAME, ABBREVIATION AND
LOGO IN THE REGISTER OF POLITICAL PARTIES APPROVED
CLIMATE EMERGENCY ACTION ALLIANCE: VOTE PLANET**

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 name, abbreviation and logo of Climate Emergency Action Alliance: Vote Planet ('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:

Registered name: **FUSION: Science, Pirate, Secular, Climate Emergency**

Registered abbreviation: **FUSION**

the image displayed here is the registered party logo for FUSION: Science, Pirate, Secular, Climate Emergency



Materials I have taken into account

4. In making my decision, I have had regard to:
 - the application to change the name, abbreviation and logo of the Party in the Register received by the Australian Electoral Commission (AEC) on 17 October 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;
 - the Register and the Register of Political Parties of each Australian State and Territory; and
 - the AEC's *Guide for maintaining party registration*.

Findings of Fact

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

Procedural application requirements

- 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.

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

Party name and abbreviation

7. When undertaking an initial assessment of the Application, I considered the Party's proposed name and proposed abbreviation against the requirements of s 129 of the Electoral Act, and reviewed the Register and the registers for each State and Territory for parties with a similar name, abbreviation or acronym.

8. The name, FUSION: Science, Pirate, Secular, Climate Emergency and the abbreviation, FUSION:

- do not comprise more than 6 words;
- are not obscene, frivolous or vexatious;
- are 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;
- do 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;
- are not one that a reasonable person would think suggests a connection or relationship exists between the Party and a registered party;
- do not comprise the words "Independent Party";
- do 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.
- do not contain a word that is in the name, or in the abbreviation of a name, of a registered political party and therefore do not require consent from an existing registered political party to use a word contained in the Party's name or abbreviation.

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

Party logo

10. 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 subsection 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.
11. Section 129A(2) of the Electoral Act provides that the Electoral Commission must refuse to enter in the Register a logo of a political party if the applicant's logo contains a word that is in the name, or the abbreviation of the name, of a registered political party.
 12. In considering s 129A(2) of the Electoral Act, I have reviewed the Register and the registers for each State and Territory for parties with a similar logo. I am satisfied that the proposed logo does not contain a word that is the name, or the abbreviation of the name, of a registered political party.
 13. Accordingly, on the basis of the materials before me, I am satisfied that the proposed 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 enter the Party's logo in the Register under s 129A of the Electoral Act.

Legislative framework – written particulars

14. 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.
15. 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 does not relate to an eligible political party; or
 - (ii) the application is not in accordance with s 126 of the Electoral Act; or
 - (iii) the application should be refused under s 129 of the Electoral Act; or
 - (iv) the Electoral Commission should refuse to enter a logo of the Party in the Register under s 129A of the Electoral Act.
16. On 25 January 2022, the Application was advertised in 10 major newspapers circulating in each State and Territory of Australia and published on the AEC website. The advertised closing date for objections was 25 February 2022.
17. No written particulars objecting to the application were received.
18. 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 abbreviation from Climate Emergency Action Alliance: Vote Planet in the Register.
19. Accordingly, I am satisfied that the application to enter the logo of the Party meets the requirements of ss 134(1)(b) and 134(2) of the Electoral Act.

Your review rights

20. 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.
21. 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?

22. 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.
23. 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?

24. The Electoral Commission, which is comprised of three members: the Australian Electoral Commissioner, a judicial member and a non-judicial member, conducts internal reviews.
25. 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?

26. 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

27. 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.

28. 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, Authorised Officer and Delegate of the Electoral Commission
1 March 2022