

**NOTICE OF PARTY REGISTRATION DECISION**  
**APPLICATION TO REGISTER A PARTY IN THE REGISTER OF**  
**POLITICAL PARTIES APPROVED**  
**TAMMY TYRRELL FOR TASMANIA**

**Notice of decision under s 133(1) of the *Commonwealth Electoral Act 1918* (Electoral Act) and Statement of Reasons**

1. I am writing in accordance with s 133(1) of the Electoral Act to notify you of the determination of the application to register Tammy Tyrrell for Tasmania (the Party), a Parliamentary party, in the *Register of Political Parties* (the Register).
2. I am authorised to determine this application for party registration (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 Party in the Register:

Name of party:	Tammy Tyrrell for Tasmania
Party abbreviation:	TT
Registered Officer:	Mr Tyler Tyrrell
Registered Officer's address:	20 Bowman Drive PENGUIN TAS 7316

Party logo:



The party stated that it wishes to receive election funding:	Yes
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**Materials I have taken into account**

4. In making this decision, I had regard to:
  - the Application received by the Australian Electoral Commission (the AEC) on 17 July 2024;
  - Parts I and XI of the Electoral Act;
  - the Register and the Register of Political Parties of each Australian State and Territory;
  - 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 'objection') received from Jacqui Lambie Network;
  - the response to the written particulars on behalf of the Party's Registered Officer, Mr Tyler Tyrrell; and
  - the AEC's *Guide for registering a party*.

## Findings of Fact and Consideration

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

### Procedural application requirements

6. I am satisfied that the Application meets the requirements of ss 126(2)(a)–(g) of the Electoral Act. The Application:

- was in writing, signed by the applicant (s 126(2));
- set out the name of the Party (s 126(2)(a));
- set out an abbreviation of the name of the Party (s 126(2)(b));
- set out a logo of the Party (s 126(2)(ba));
- set out the name and address of the person who is to be the Registered Officer of the Party for the purposes of the Electoral Act (s 126(2)(c));
- stated that the Party wishes to receive moneys under Division 3 of Part XX of the Electoral Act (s 126(2)(d));
- set out the name and address of the applicant and particulars of the capacity in which the applicant makes the Application (s 126(2)(e));
- was accompanied by a copy of the constitution of the Party (s 126(2)(f)); and
- was accompanied by a fee of \$500 (s 126(2)(g)).

### Party constitution

7. A copy of the constitution of the Party accompanied the Application as required by s 126(2)(f) of the Electoral Act. The constitution provided in the Application:

- is in writing; and
- sets out the aims of the Party, at least one of which being the promotion of the election of its candidates to the Senate and/or House of Representatives.

8. Accordingly, I am satisfied that the Party meets the requirements of having a written constitution in accordance with the definition of *eligible political party* at s 123(1) of the Electoral Act and the definition of *political party* at s 4 of the Electoral Act.

### Party name and abbreviation

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

10. The Party name, Tammy Tyrrell for Tasmania, and abbreviation, TT:

- 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, 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 that it is likely to be confused with or mistaken for that name or that abbreviation or acronym;

- are not ones 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 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.
- do not contain a word that is in the name, or the abbreviation of the name, of a registered political party that requires consent from an existing registered political party.

11. Under s 129(5)(a) of the Electoral Act, function words do not require consent. As such, consent is not required for the word ‘for’.
12. Under s 129(5)(c) of the Electoral Act, ‘the name of a country... or a recognised geographical place’ does not require consent. Schedule 1, paragraphs 13 and 16 of the Explanatory Memorandum states that a ‘recognised geographical place’ is intended to include the name of Australian towns, cities, states and territories, as recognised by State, Territory and Commonwealth authorities. Therefore, the word ‘Tasmania’ does not require consent.
13. ‘Tammy’ and ‘Tyrrell’ are not used by any federally registered party, and as such, do not require letters of consent under s 129(3)(b) of the Electoral Act. Accordingly, the Party’s name does not contravene s 129(1)(c) of the Electoral Act.
14. Section 129(1)(d) of the Electoral Act states that an application for registration shall be refused if the name of the applicant party “so nearly resembles 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 to which the application relates) that is a recognised political party that is it likely to be confused with or mistaken for that name or that abbreviation or acronym, as the case may be”.
15. The Party’s proposed name and abbreviation are not the exact name, abbreviation or acronym of the name of a registered or recognised political party, and I consider they are not likely to be confused with or mistaken for the name or abbreviation of any of other party.

#### Party logo

16. 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 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*.

### Written particulars

17. Section 132(2)(b) of the Electoral Act provides that a person can only submit written particulars objecting to an application to register a party (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.
18. 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.
19. On 24 September 2024, 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 24 October 2024.
20. 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 24 September 2024; 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.

## Objections to the Application

21. The Electoral Commission received one set of written particulars:

<b>Written particulars from</b>	<b>Date received</b>	<b>Administrative requirements met</b>	<b>Grounds for objection under the Electoral Act</b>
Jacqui Lambie Network	9 October 2024	Yes	Section 129A

22. On 1 November 2024, the Party responded to the written particulars contained in the objection from Jacqui Lambie Network. The Party's response was published on the AEC website in accordance with s 132(6) of the Electoral Act.

### Objection to the Application and the Party's response

23. In consideration of the objection, I set out my reasons below why I consider that the Party's proposed logo does not infringe the terms of ss 129A(1)(c) or 129A(1)(d) of the Electoral Act and so can be entered in the Register. The objection does not object to the Party's proposed name and abbreviation.
24. Before advertising the Application in accordance with s 132(1) of the Electoral Act, an initial assessment of the Application was conducted in accordance with s 131(1) of the Electoral Act. As part of that initial assessment, the Party's proposed name, abbreviation and logo were considered against the requirements of ss 129 and 129A of the Electoral Act and the Register and the registers for each State and Territory were reviewed for parties with a similar name. The Party's name, abbreviation and logo were not considered to contravene ss 129 and 129A of the Electoral Act and the Application proceeded to advertising.
25. Consideration of the one objection referred to in paragraph 21 above, requires me to consider ss 129A(1)(c) and 129A(1)(d) of the Electoral Act. These sections provide as follows:

#### **129A Certain party logos not to be entered in the Register**

(1) The Electoral Commission may refuse to enter in the Register a logo of a political party (the **applicant**), set out in an application to register the applicant, if, in its opinion, the applicant's logo:

(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.

26. If I am satisfied that either of the grounds in ss 129A(1)(c) or (d) is established, I have a discretion to refuse to enter the Party's logo in the Register. The decision whether to enter the Party's logo in the Register will not affect the broader decision to register the Party.

### Objection and response

27. Jacqui Lambie Network's objection to the logo concerns the use of similar design elements including the silhouette of the image of Tasmania; font styling; and size when presented on a ballot paper. Jacqui Lambie Network's objection also stated that:

*Based on the preceding points outlined consistently with ss 129(1)(c) and 129(1)(d) of the Electoral Act, the JLN urges the Australian Electoral Commission to refuse to enter into the Register the proposed logo of ‘Tammy Tyrrell for Tasmania’.*

- 28. In considering the objection from Jacqui Lambie Network, I interpret the intention in referencing ss 129(1)(c) and (d) to be ss 129A(1)(c) and (d) regarding the Electoral Commission entering the Party’s logo in the Register.
- 29. Jacqui Lambie Network believes that voters may be misled by the styling and imagery, thinking the Party is associated with Jacqui Lambie Network, also registered with the AEC.
- 30. Jacqui Lambie Network did not object to the proposed name and abbreviation of the Party.
- 31. The Party’s response to this objection stated that:



*In response to the objections raised under sections 129A(1)(c) and 129A(1)(d) of the Commonwealth Electoral Act 1918, we assert that the Tammy Tyrrell for Tasmania logo is sufficiently distinct from the Jacqui Lambie Network (JLN) logo as to support its registration and dismiss the objections of the JLN. Our arguments are supported by quantitative analysis and grounded in Australian legal principles.*

- 32. I take Jacqui Lambie Network’s objection to be about the matters in s 129A(1)(c) and (d), and particularly to be about s 129A(1)(d) in relation to the connection or relationship that a reasonable person may think exists between the Party and Jacqui Lambie Network.
- 33. In summary Jacqui Lambie Network contends that the proposed logo:
  - 1. infringes s 129A(1)(c) of the Electoral Act in that it ‘so nearly resembles the Jacqui Lambie Network Registered Logo that it is likely to be confused with or mistaken for that logo or that name and abbreviation’.
  - 2. infringes s 129A(1)(d) of the Electoral Act in that it ‘is one a reasonable person would think suggests that a connection or relationship exists between the Applicant and Jacqui Lambie Network where that connection does not in fact exist’.
- 34. Jacqui Lambie Network describes the ways in which they say s 129A(1)(c) and 129A(1)(d) are infringed. I have considered all their arguments and supporting material. I consider the aspects of their arguments below.

Logo comparisons

- 35. The Party’s proposed logo and the logo of Jacqui Lambie Network are set out below.

*Comparison of the Party’s logo against the logo of Jacqui Lambie Network*

The Party’s proposed logo	Jacqui Lambie Network’s logo
	

### Section 129A(1)(c)

36. Section 129A(1)(c) of the Electoral Act requires me to determine whether, in my opinion, the logo of the Party ‘so nearly resembles the logo of any other person that it is likely to be confused with or mistaken for that logo’.
37. In undertaking this task, I have derived some assistance from two decisions of the Administrative Appeals Tribunal which considered these or similar provisions: *Watson v Australian Electoral Commission* [2018] AATA 4914 (*Watson*) and *Woollard and the Australian Electoral Commission* [2001] AATA 166 (*Woollard*).
38. In *Watson v Australian Electoral Commission* [2018] AATA 4914, the Administrative Appeals Tribunal considered the approach to be taken to making an assessment under s 129A(1)(c) of the Electoral Act. The Tribunal held (at [73]) that the section required it:
- to form an opinion as to whether the logo of the applicant for registration so nearly resembles the logo of any other person that it is likely to be confused with or mistaken for the logo of any other person **in the context**, as suggested by *Woollard and Australian Electoral Commission*, of electors preparing to vote by marking the **ballot paper**.*  
(emphasis added)
39. While that context is clearly therefore important for me to consider, the Tribunal had noted at [28] (referring to *Woollard and the Australian Electoral Commission* [2001] AATA 166 at [52]) that the judgment of an elector preparing to vote ‘does not take place in isolation from what is said and published prior to polling day, including the publication of how to vote cards outside the entrance to polling places’.

### *Section 129A(1)(c) and Jacqui Lambie Network Logo*

40. I accept that there is some resemblance between the Party’s proposed logo and Jacqui Lambie Network’s logo.
41. I note that both logos have a shape to the right of the text being the image of Tasmania. However, there are notable differences between the logos:
1. The graphical element is different. The Party’s logo has a simpler outline of the Tasmanian island whereas Jacqui Lambie Network’s logo includes pointed horns at the top of the image of Tasmania. In addition, the map is partially obscured by the text in the Party’s logo; it is wholly visible in the logo of the Jacqui Lambie Network.
  2. The stylistic approaches adopted for the text of each logo are different: one is left justified; the other is centred.
  3. The text element is not identical as the Party’s proposed logo only contains text relating to the Party’s name.
42. Separate to the differences between the logos, the graphical element of the map shape or silhouette is not unique to either party: the image of the map of the State of Tasmania can be seen in a variety of maps and other public settings, including in other logos, and government signs and insignia.
43. I consider that the differences in the graphical elements are sufficiently significant such that a person seeing one or both would be unlikely to be confused or to mistake one logo for the other. In my judgment, the risk that electors will be confused or mistaken is remote—I do not consider it to be ‘likely’ in the sense required by s 129A(1)(c).
44. Second, as mentioned above, *Woollard* and *Watson* make clear that the context in which I am required to make this assessment is of electors completing their ballot paper. A party’s

logo, when entered in the Register, may be printed on ballot papers: see s 214A read with s 209 and Sch 1 of the Electoral Act. If it does, the name of the registered political party would appear adjacent to any logo of that party.

45. I therefore consider it to be highly relevant that, as stated by the Electoral Commission in the decision concerning Australian Federation Party at [24] (albeit not in relation to s 129A(1)(c) specifically) that:

*This close proximity... would preclude or significantly diminish any confusion amongst electors as they would associate the logo with the Party name nearest to it and to which it most naturally relates.*

46. The ballot paper is significant because an elector who had any uncertainty about the logo such as what the image of Tasmania might indicate, would be able to look immediately adjacent to that logo and see the Party's name 'Tammy Tyrrell for Tasmania'.
47. It is permissible to have regard to where the two names and logos may appear on the ballot paper together. The Tribunal in *Woollard* at [46] in determining that a party with the proposed name 'liberals for forests' would not infringe former s 129(d) (which was the former provision concerning to party names that had relevantly similar terms to current s 129A(1)(c)) considered that:

*It is unlikely that any elector, **seeing the two names on a ballot paper**, will draw the conclusion that "liberals for forests" is a political party related to the Liberal Party of Australia or any of its State divisions.*  
(emphasis added)

48. Similarly, I consider that it is unlikely that elector seeing the logo and names of the Party and Jacqui Lambie Network on the ballot paper would think the parties would be confused as to which party was Jacqui Lambie Network.

#### Section 129A(1)(d)

49. Section 129A(1)(d) of the Electoral Act requires me to consider whether the logo of the Party 'is one that a reasonable person would think suggests that a connection or relationship exists between the applicant' and Jacqui Lambie Network. The Party and the written particulars state that no connection or relationship exists between the parties.
50. I consider that a 'reasonable person' is an ordinary person possessing no particular insights about the actual connection or relationship existing between political parties. I do not accept that a reasonable person would think that a connection or relationship exists between the Party and Jacqui Lambie Network because of the logo.
51. For similar reasons to those I have expressed above, I do not think that the elements in the Party's logo that have some similarities with the logo of Jacqui Lambie Network are such that a reasonable person would think that a connection exists between the Party and Jacqui Lambie Network.

#### **Summary**

52. There are two elements to my decision on the Application, as set out in this Statement of Reasons:

- 1) a decision to register the Party under s 133(1); and
- 2) a decision that the Party's logo should not be refused under s 129A.



53. I am satisfied on the materials before me that there is no basis to refuse the Application under s 129 of the Electoral Act. The Party can be registered, and the Party's name and abbreviation entered in the Register.
54. In making my decision under s 133(1) to register the Party, I do not consider the objection from Jacqui Lambie Network makes out sufficient grounds under s 129A of the Electoral Act to refuse to also enter the Party's logo in the Register. The Party's proposed logo 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. The logo does not contain a word that is in the name, or the abbreviation of the name, of a registered political party. 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 in *Commonwealth Electoral (Logo Requirements) Determination 2016* and there is no basis to refuse to enter the Party's logo in the Register under s 129A of the Electoral Act.

#### Approval of the Application

55. For the reasons outlined above, I approve the application from Tammy Tyrrell for Tasmania for registration in the Register, as a delegate of the Electoral Commission for the purposes of ss 126(3) and 133(1) of the Electoral Act.

#### **Your review rights**

56. 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.
57. Requests for review of this decision should be addressed to the 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?

58. 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;
  - specify an address of the applicant; and
  - set out the reasons for making the application.
59. 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?

60. The Electoral Commission, which is comprised of three members, the Electoral Commissioner, a judicial member and a non-judicial member, conducts internal reviews.
61. Under s 141(4) of the Electoral Act, the Electoral Commission shall 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?

62. 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 Review Tribunal (ART) for a review of the decision. More information on how to apply to the ART and any applicable fees can be found on its website: [www.art.gov.au](http://www.art.gov.au).

Freedom of Information

63. 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).
64. 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  
12 December 2024