

**NOTICE OF PARTY REGISTRATION DECISION
APPLICATION TO CHANGE THE LOGO IN THE REGISTER OF
POLITICAL PARTIES APPROVED
AUSTRALIAN LABOR PARTY (N.S.W. BRANCH)**

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 Australian Labor Party (N.S.W. Branch) (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 to change the Register as outlined below:

*the image displayed here is the registered party logo
for Australian Labor Party (N.S.W. Branch):*



Materials I have taken into account

4. In making my decision, I have had regard to:
 - the Application received by the Australian Electoral Commission (AEC) on 18 April 2024;
 - a letter from the Registered Officer of Australian Labor Party (ALP) providing consent for the Party to use the word 'Labor' in its Application (in accordance with s 129A of the Electoral Act);
 - Part XI of the Electoral Act;
 - the *Commonwealth Electoral (Logo Requirements) Determination 2016* (the Determination);
 - 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 requirements

6. The Application:
 - was in writing, signed by the Secretary of the Party; and

- set out the name and address of the applicant and particulars of the capacity in which the applicant makes the Application.

7. Accordingly, I am satisfied that the Application meets the requirements of ss 134(1)(a) 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 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** 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 (refer paragraph 9 below)
- 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. In accordance with s 129A(2) of the Electoral Act, written consent was provided by the Registered Officer of Australian Labor Party (ALP) for the Party to use the word 'Labor' in its proposed logo.

10. 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

11. 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.
12. On 26 June 2024, 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 26 July 2024.
13. 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 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).
14. 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 26 June 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.
15. No written particulars were received.
16. 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 Australian Labor Party (N.S.W. Branch) in the Register.

Your review rights

17. 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.

18. 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?

19. 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.
20. 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?

21. The Electoral Commission, which is comprised of three members, the Australian Electoral Commissioner, a judicial member and a non-judicial member, conducts internal reviews.
22. 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?

23. 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.

Freedom of Information

24. 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.

25. 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.

(signed)

Joanne Reid
Assistant Commissioner
Delegate of the Electoral Commission
22 August 2024