

[REDACTED]

From: Secretary [REDACTED]
Sent: Monday, 27 November 2023 8:17 AM
To: FAD; [REDACTED]
Subject: Fwd: AEC Response
Attachments: AEC Response Final Version.pdf; Soft Re-Brand - 2023 Brand Guidelines (Libertarian Party).pdf

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Dear AEC team,

Please use this version as our response.

We would appreciate this response and the objection being published and determined as soon as you are able to.

Thank you for your proficiency and professionalism to date.

Sincerely,



Sent from [Outlook for Android](#)

From: Jordan [REDACTED]
Sent: Monday, November 27, 2023 8:13:18 am
To: [REDACTED]
Subject: AEC Response

Dear AEC,

Thank you for sending us the detailed (and strenuous) objection lodged by the Liberal National Party, Liberal Party of Australia, and the Nationals.

Our reply to their submission will not be 28 pages and we hope the objection can be dealt with as summarily as the merits of the objection deserve.

As they note, their objection is not to our re-registration with the AEC under the name Libertarian Party, but solely to our use of the stylised logo “LP” with a flame of liberty to the left of the lettering.

While we stridently reject the basis and substance of their objections, if the AEC does find fit to uphold them we ask that they simply remove our logo and register the name without one as contemplated by the optional element of a logo in s126(2)(ba).

Summary of Response

The objection is utterly unfounded and supported by submissions that are in many places misconceived at best, or disingenuous at worst. In the same vein as the previous objection received and responded to by our party during the notice period, this objection attempts to conflate two shared letters between our proposed logo and the logo of the Queensland Division of the Liberal Party (the LNP), with an imagined effort by our party to benefit from confusion between ourselves and the federal Liberal Party. For the reasons that follow, this is demonstrably untrue both as a matter of intention, and as a matter of practical fact.

We wish to reassure the Liberal Party (though accept that, several legal reforms and constitutional challenges later, this may be an impossible task) we have no desire to be associated with them or their political brand. Being being confused with the Liberal Party in 2023 or beyond is the last thing anyone should desire and would be detrimental to our future electoral prospects.

The Statutory Test

Before responding to the objection, it is important to note that the statutory test is an objective one – whether a reasonable (imagined, ordinary) person would think the logo suggests a connection or relationship exists between the applicant and a registered party if that connection or relationship does not in fact exist.

The objection argues that this test is failed twice, in the case of our logo. It suggests that a reasonable person would think the proposed logo suggests first a connection between our party and the LNP, a registered State Division of the Liberal Party and Australia which engages in electoral activity **only in Queensland**. The objection then asks the AEC to accept that, if there is a connection or relationship is suggested between the LNP Division and our party, that a reasonable person (not a person of sophistication, legal knowledge, or electoral expertise) would therefore conclude that the proposed logo suggests a connection or relationship between the Liberal Party in every other electoral jurisdiction in Australia.

There are significant differences between our proposed logo and the registered logo of the LNP, and at least as many differences as any superficial similarities – the statutory test fails at this first threshold. But there are almost no similarities between our proposed logo and the registered logo of the Liberal Party federally and in every other State Division of that party across the country.

If the AEC rejects the argument that the proposed logo suggests a connection or relationship between our party and the **LNP party registered as Queensland Division of the Liberal Party** then it must ignore and reject any evidence or submissions relating to the broader Federal Liberal Party.

Background

Nothing set out in the background of the objection is denied or disputed, save to note that the LNP, Liberal Party, or National Party have made no legal objection under electoral or trademark law to our use of the LP logo outside of this application.

The Australian Experience

At [21] of the objection, the LNP entities describe similarity between logos as having the same practical effect as parties with similar names. What this trite recital ignores is that logos on ballot papers will **always** and **necessarily** appear next to the registered name or abbreviation of the political party, in a context that invites the voter to consider the **name** and the **logo** when considering a connection between the registered parties. The LNP entities objecting should well know this, because this legislative reform was part of their first effort to combat their perennial paranoia of name confusion (read, electoral competition) from our party.

Legislation allowing political parties to optionally adopt an identifying logo next to their name on the ballot paper was first introduced in 2016, **after** the results described in their submission relating to the 2013 federal election. This legislation was introduced to ensure that voters would be better able to identify political parties by providing **additional** information to the ballot paper, in context, next to the name of a registered political party.

Therefore, the question the AEC must consider is whether the logo, in the full context in which it appears, would be likely to suggest a connection or relationship between the Libertarian Party, and the Queensland LNP (the only place where such confusion can even remotely be alleged on the basis of logos on the ballot paper).

The historical election information and tables provided are, with respect, simply regurgitations of arguments advanced around name confusion under the Liberal Democrats name in the High Court of Australia case *Ruddick v Commonwealth*. The submissions by the objectors in relation to name confusion and the effect of placement on the ballot do little to advance the real question of whether the statutory test is met, and should be disregarded.

The Brand Analysis

We will address the alleged similarities in the order and by the lettering they are presented. We are sure that Khemistry is a reputable and capable agency but also note that they can only conduct a comparative analysis on the basis of the information they are provided with. This baseline information in this instance was unfortunately fundamentally flawed, because the use of the logo as it appeared on the “let women speak” promotion was a transparent logo set against the colouring of the advertisement for the event. In fact, where used in a wide range of other contexts in colour, the logo of the Libertarian Party is gold lettering on a black field, or black letter on a white field.

The soft rebrand interim style guide for the Libertarian Party has been annexed to this response to the objection for the benefit of the AEC.



Indeed, it seems that the objectors have gone out of their way to find an instance of our use of this new logo that is as similar as possible to the colour background of some aspect of one of their registered logos for the purpose of advancing this objection. Fortunately, even taken at its highest their objection fails. The similarity of the logo cannot be ascertained simply by cherry picking superficial elements that bear some resemblance, while ignoring significant differences. Rather, a holistic approach should be adopted in accordance with the statutory “reasonable person” test.

a) They both use acronyms and they are nearly identical

There are three letters in the LNP acronym, and 2 letters in the LP acronym. That is a significant variation in lettering of at least 33%. A variation in content of 33% is not nearly identical by any stretch of the imagination. This is a particularly difficult measure of similarity to sustain when the lettered acronym of any party would feature the letter P, and be at least 33% similar to any other lettered acronym similarly styled. The “only” difference being that an N does not appear is in fact a substantial and significant difference capable of differentiating the logos based on the whole of the logo.

b) The Font is the same

The side by side comparison of the logos clearly illustrates that the visual appearance of the fonts is markedly different. Our style guide as provided shows that the correct typefont for our logo and branding is Gilroy, but even if Sans Serif was the base visual font, the logo is not simply a typed rendition of the letters LP in capitals bolded. The side by side visual comparison helpfully shows a shorter, thicker base of the L, creating a tighter gap between the L and the subsequent letter, as well as a tighter, more “squashed” P to create a markedly different visual impression.

c) The Inclination is the Same

Any similarity in the inclination of the lettering is superficial, and not derived from the Liberal Party logo. It is also important to note here that the objectors submissions do not make it clear if they are suggesting the inclination is derived from the **Liberal Party** branding, or the LNP branding.

d) *The colours are the same*

As stated above, and evidenced in the style guide, where used in colour the logo is either black lettering on a white field with a gold flame, or white lettering on black background with a gold flame. The example the objectors have intentionally chosen is a transparency, which is extremely obvious from the context of the overall event promotion they selected it from. The Liberal Party do not own the colour blue in a political or any other context, however we have endeavoured at every turn to avoid the use of blue or red in any of our modern style guides. This was a conscious choice as a turn away from our federal election style guide which did feature those colours, because we were constantly having to explain to angry voters that we were not the Liberal Party. If it was previously confusing, this confusion was detrimental to our prospects and informed our conscious choice to visually differentiate.

e) *The graphic device is similar*

The “yellow curvilinear element” referenced in this point can only be a reference to the liberty flame visual to the left of our proposed logo. While the objection describes the LNP visual element as a “tape or flame” it is so stylised that it bears no resemblance to our visual flame of liberty figure. Further, the suggestion that both visual elements are “substantially to the left” of our proposed logo and the LNP logo ignores (deliberately so) the fact that the LNP logo begins on the right, and has to travel over 70% of the LNP acronym before it becomes “to the left” of it. This element is plainly distinct and differentiated, as is the critical presence of a star in the LNP logo, which is absent in ours.

Much of the above falls away with the subsequent acknowledgement that the device only be provided in black and white, because it is printed on the ballot paper in black and white. This undermines a significant chunk of the attempts to argue confusing similarity that would suggest a connection or relationship that does not exist to the statutory reasonable person.

Section 129A(c) – Similarity in name risking confusion or mistake

Given the substantive points made above, it is unnecessary to deal with the majority of the fervent, but misguided submissions of the objectors in relation to s129A(c). For all the reasons listed above, there is no real chance that a voter will, taking into account all elements of the logo itself as compared with the LNP logo in **Queensland** along with the registered names on the ballot, be mistaken as to the identity of the party they are voting for.

As helpfully adverted to by the objectors, the purpose of the introduction of the logo under the Commonwealth Electoral Amendment Act 2016 was to reduce confusion that may arise **with political parties with similar names** which they concede is not the case here. The presence of logos is an additional, contextual layer to the overall information picture presented to a voter on the ballot.

Section 129A(d) – the relationship or connection test

We agree that this element of the Electoral Act goes well beyond any superficial visual similarity, and rather goes to a suggestion of connection or relationship that does not exist. However despite requiring more than mere visual similarity, visual similarity is the baseline requirement upon which other possible contextual connections or relationships might be drawn.

The submissions of the objectors amount to no more than statements that the LNP exists, that it is connected to the Liberal Party, and that the acronym LP could stand for either Liberal Party, or

Libertarian Party. If the AEC accepts this submission then it would result in a situation where the effect of s129A(d) is that the Liberal Party can exclude any political party whose name, logo notwithstanding, can be abbreviated to the letters LP. Such a position would plainly be ridiculous and goes well beyond both the mischief the legislation seeks to solve, and the level of potential confusion contemplated by the Courts.

According to this logic, it would be open to the objector parties to argue that because their parties and ours (notionally) share an ideological heritage, values and policy positions, that voters might be likely to confuse the two. Perhaps sensibly they have not sought to advance this argument, given their lacklustre performance in this arena.

Conclusion

In the final analysis, the questions for the AEC in determining the objection are:

- 1) Does the proposed logo so nearly resemble the Queensland Division of the Federal Liberal Party (LNP) that it is likely to be confused or mistaken with that logo (and therefore, the objectors submit, every other wing of the Federal Liberal Party); and
- 2) Does the proposed logo suggest, to a reasonable person, a connection or relationship between the Libertarian Party, and every arm of the Federal Liberal Party.

Plainly the answer to both questions must be no. If the objectors truly believe that either of these positions would be the likely interpretation of the ordinary reasonable Australian voter, then perhaps that says more about their view and understanding of the reasonable Australian than it does our proposed logo.

We have jumped through every imaginable electoral hoop the objectors have put before our party, and at every turn sought to differentiate ourselves from them due to both the requirements of electoral law, and the fact that any confusion with their political brand is detrimental to ours.

We ask that you confirm our proposed logo, and conclude the registration process in full.

Sincerely,

Jordan 

Federal Secretary

LIBERTARIAN **PARTY**

Soft Re-Brand – 2023 Brand Guidelines

2023 Soft Re-Brand – Colours & Fonts

Below are approved 2023 Soft Re-Brand Colours & Fonts for all marketing associated with the Libertarian Party and its various state divisions.

The fonts in this brand guideline are available in the party's Canva account. If using another graphic editing program, the same or almost identical font must be used. Login details for Canva are available upon request for approved users by emailing: brand@libertarianparty.org



Gold
Hex #FEC327
RGB 254,195,39



White
Hex #ffffff
RGB 255,255,255



Black*
Hex #242424
RGB 36,36,36
* The green border is not a part of the approved colours and is there to show one of the brand colours



Grey
Hex #848484
RGB 132,132,132

Heading Font: Gilroy Extra Bold

Subheading Font: Gilroy Black Italic

Body Copy Font: Helvetica Now

For most applications, this font's 'Light' version should be used. The 'Regular' font weight should be used for black or dark-coloured backgrounds.

Body Copy Font: ***Helvetica Now***

The 'Black' version, in italics, should be used when creating content that includes a quote/caption that you want to display prominently in the artwork.

Approved Federal Logos

Below are approved Federal Logos for the Libertarian Party as part of their 2023 soft re-brand. Copies of these logos are available on the party's Canva account at this link: [\[Link\]](#)

The white or black version of the logo may be used in artwork with either a white background, black (#242424) background or transparent. All uses of the logo must ensure that the version chosen has significant contrast with the background it is applied to.



Full Text Logo - White



Full Text Logo - Black



Symbol Logo
- White



Symbol Logo
- Black



Symbol Logo
- Non-Colour



Square Logo
- Black



Square Logo
- Gold



Square Logo
- White

Compliant Division Logos

Below are examples of State & Territory division logos that would be compliant with the Federal Soft Re-Brand brand guidelines. Many of these logos are available on the party's Canva account at this link: [\[Link\]](#)

The white or black version of the logo may be used in artwork with either a white background, black (#242424) background or transparent. All uses of the logo must ensure that the version chosen has significant contrast with the background it is applied to. Please note that the below only applies to divisions that utilise "Libertarian Party X" (X = State Division).

LIBERTARIAN
PARTY QLD

Full Text Logo - White

LIBERTARIAN
PARTY SA

Full Text Logo - Black



Symbol Logo
- White



Symbol Logo
- Black



Symbol Logo
- Non-Colour



Square Logo
- Black



Square Logo
- Gold



Square Logo
- White

Important Logo Use Considerations

The following examples detail important considerations when utilising any version of the compliant logos. Please ensure all content conforms to these important considerations when producing assets.



The version of the logo used should be relative to the background it is being applied to ensure the logo is clearly visible. Do not use stroking, borders or glows/shadows to resolve poor contrast; use an appropriate version of the logo or add a box/rectangle in the appropriate brand colours.

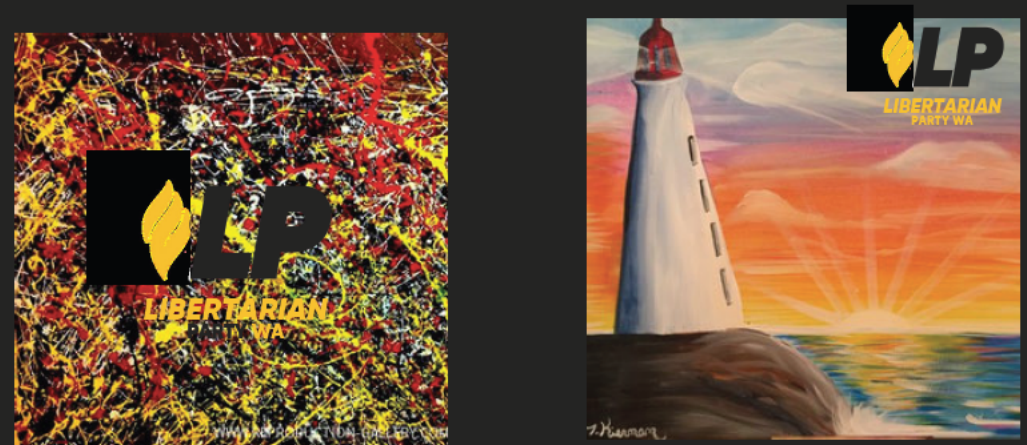


The logo is only to use compliant brand colours & symbols within or associated with its logo.

Tasteful exceptions to this rule may include temporary profile pictures for special events like relevant state sports competitions (e.g. State of Origin) & public holidays (e.g. Christmas).



The logo is clear and high quality. Avoid using screenshots or low-quality versions of the logo.



The logo should only be placed on a background that provides significant contrast. If the image's background does not qualify, the logo should be encased in a square/rectangle that provides the appropriate contrasting colour.

Examples of Uses In Social Media

Below are examples of how the logo should be applied when producing social media assets. These examples are also relevant to the creation of other digital assets and printed material.



The logo used in this social media post has strong contrast, making it clear. The colours are also compliant.



Both versions of the logo are used in this social media post and have strong contrast, making it clear.

Posts do not require multiple versions of the logo; ideally, only one version should be used; however, this has been executed tastefully. The colours are also compliant.



The logo is used as the primary image in this social post. It's a tasteful application of the logo. It has strong contrast, making it clear. The colours are also compliant.

Examples of Uses In Social Media

Below are examples of how the logo should be applied when producing social media assets. These examples are also relevant to the creation of other digital assets and printed material.



The logo used in this social media post has strong contrast, making it clear. The colours are compliant.

The borders around the image and this tagline are not required for social posts and can be used as determined by each state division. Custom division-relevant slogans can be implemented if they comply with the party's principles and do not contradict pre-existing policy.

The division executive should vote on these slogans before implementation.