


**NOTICE OF PARTY REGISTRATION DECISION  
APPLICATION TO REGISTER A PARTY IN THE REGISTER OF  
POLITICAL PARTIES APPROVED  
LIBERTARIAN PARTY**

**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 Libertarian Party (the Party), a non-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:	Libertarian Party
Party abbreviation:	Libertarian
Registered Officer:	Mr Robert McCathie
Registered Officer's address:	117/757 Bourke Street DOCKLANDS VIC 3008
Party logo:	
The party stated that it wishes to receive election funding:	Yes

**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 8 August 2023;
  - the results of the testing of the Party's membership list conducted by the AEC in accordance with the sampling methodology developed by the Australian Bureau of Statistics (the ABS);
  - 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 'objections') received from 'Stephen', Mr Andrew Hirst on behalf of Liberal Party of

Australia, Mr Ben Riley on behalf of Liberal National Party of Queensland and Mr Lincoln Folo on behalf of National Party of Australia;

- the response to the objections from the person who is to be the Party's Registered Officer, Mr Robert McCathie; 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 applicants (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));
- included a list of the names of at least 1,500 members of the Party to be relied on for the purposes of registration (s 126(2)(ca));
- 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 names and addresses of the applicants and particulars of the capacity in which each 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)).

#### Membership list

7. The membership list submitted for the Application supplied on 8 August 2023 contained 1,650 names of people that the Party considers to be current members (referred to as 'members' below). AEC staff cross-checked this membership list with the Commonwealth Electoral Roll (electoral roll), as required by the meaning of 'member of a political party' in s 123(3) of the Electoral Act.

<b>Submitted membership list</b>	<b>1,650</b>
Automatically matched to the electoral roll	1,629
Manually matched to the electoral roll	15
Unable to match or not enrolled on the electoral roll	(2)
Deceased	(4)
<b>Total</b>	<b>1,644</b>

8. In accordance with s 123A of the Electoral Act, in determining whether a political party has at least 1,500 members, the same member may not be relied on by more than one party. If an individual is a member of more than one political party, only the party nominated by the member may rely on the individual as a member. No party may rely on the individual as a member if the individual does not nominate a party after at least 30 days.

9. After comparing the Party's membership list with other non-Parliamentary parties' membership lists it was found that 29 members were identified as supporting the registration of other political parties.

10. The AEC wrote to the 29 members identified as also supporting the registration of another party to determine which party they supported for the purpose of being relied upon for registration. The results of the cross-party membership testing is as follows:

<b>Total cross-party duplicates</b>	<b>29</b>
Affirmed support of the registration of the Party	17
Denied supporting the Party for the purposes of registration	(1)
Supports neither party	(1)
Did not respond	(10)
<b>Sub-total – removed from the membership list</b>	<b>12</b>

11. No members were identified as duplicates within the list and none were under the age of 18.

<b>Total matched to the electoral roll</b>	<b>1,644</b>
Inner-party duplicates - members appearing more than once in the list	(0)
Under 18-year-old members	(0)
Cross-party duplicates – members identified as also being on other party membership lists and who did not affirm support for the Party	(12)
<b>Total</b>	<b>1,632</b>

12. A list of 1,632 members requires contact with a random sample of 53 members under the formula provided by the ABS. For the AEC to be satisfied that the Party has the required 1,500 members, up to seven denials of membership are permitted.

<b>The relevant numbers for this membership test were:</b>	<b>Members</b>
The random sample size	53
Maximum number of denials permitted	7
Contact attempts made*	63
Responses received	
- Confirmed Membership	50
- Denied Membership	3
<b>PASS/FAIL</b>	<b>PASS</b>

\*as some members were uncontactable.

13. Accordingly, I am satisfied that the Party has at least 1,500 members and the Application meets the requirements of s 126(2)(ca) of the Electoral Act.

Party constitution

14. 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.

15. 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

16. 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.

17. The Party name, Libertarian Party, and abbreviation, Libertarian:

- 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 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 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.

18. Under ss 129(5)(a) –(b) of the Electoral Act, ‘function words’, and ‘a collective noun for people’, do not require consent. Schedule 1, paragraphs 13 and 15 of the [Explanatory Memorandum](#) to the *Electoral Legislation Amendment (Party Registration Integrity) Act 2021*, ‘Collective noun for people’ is intended to include words including, but not limited to ‘Party’, ‘Group’, ‘Alliance’, ‘Network’ and ‘Team’, and therefore ‘Party’ does not require consent.
19. ‘Libertarian’ is not used by any federally registered party, and as such, does not require letters of consent under s 129(3)(b) of the Electoral Act. In accordance with ss 123(2) and 129(2) regarding the Party’s name, it was determined that one state registered party containing the word ‘Libertarian’ is related to the Party. Accordingly, the Party’s name does not contravene ss 129(1)(c) and (d) of the Electoral Act.

#### Party logo

20. 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

21. 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.
22. 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.
23. On 20 October 2023, 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 20 November 2023.
24. 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 10 October 2023; 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

25. The Electoral Commission received two objections:

<b>Written particulars from</b>	<b>Date received</b>	<b>Administrative requirements met</b>	<b>Grounds for objection under the Electoral Act</b>
Stephen	26 October 2023	Section 132(3)	Section 129A
Mr Andrew Hirst on behalf of Liberal Party of Australia, Mr Ben Riley on behalf of Liberal National Party of Queensland and Mr Lincoln Folo on behalf of National Party of Australia (the Objectors)	20 November 2023	Section 132(3)	Section 129A

26. On 1 November 2023, the Party responded to the written particulars contained in the objection from Stephen. The response was published on the AEC website in accordance with s 132(6) of the Electoral Act.
27. On 27 November 2023, the Party responded to the written particulars contained in the objection from the Objectors. The response was published on the AEC website in accordance with s 132(6) of the Electoral Act.

### Objections to the Application and the Party's responses

28. The objections do not object to the Party's proposed name or abbreviation. I set out my reasons below why I consider that the Party's proposed logo does not infringe the terms of s 129A(1)(c) or 129A(1)(d) of the Electoral Act and so can also be entered in the Register.
29. Before advertising the Application in accordance with s 132(1) of the Electoral Act, I conducted an initial assessment of the Application in accordance with s 131(1) of the Electoral Act. As part of that initial assessment I considered the Party's proposed logo against the requirements of s 129A of the Electoral Act and reviewed the Register and the registers for each State and Territory for parties with a similar logo. I did not consider that the Party's logo contravenes s 129A of the Electoral Act and as a delegate of the Electoral Commission and AEC authorised officer, proceeded to advertise the Application.
30. Consideration of the two objections referred to in paragraph 25 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

31. If I am satisfied that either of the grounds in s 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.

*First Objection and response*

32. Stephen's objection to the logo concerns the letters "LP". Stephen believes this is liable to be mistaken by ordinary electors as referring to the Liberal Party [of Australia].

33. Stephen further states that the Liberal Party of Australia's logo "is, of course, quite different [to the proposed logo of Libertarian Party] but the subtleties of graphic design will be lost of many electors who would assume that "LP" means Liberal Party and vote in error".

34. I take Stephen'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 the Liberal Party of Australia.

35. The Party's response to this objection stated that:

'The Liberal Party nowhere uses the initials LP in their AEC or state based logos, preferring to prominently display the word Liberal... Given that the ballot logo will appear exclusively on the ballot paper next to the name "Libertarian" as our short form ballot name, there is virtually no prospect of confusion as alleged in this objection.'

*Second Objection and response*

36. The objection from the Objectors is contained in a 13-page document, accompanied by a certificate of registration for the trademark of a colour version of the LNP logo and 'a comparative brand analysis' of the logo of Liberal National Party of Queensland undertaken by the advertising and design agency Khemistry.

37. In summary the Objectors contend that the proposed logo:

1. infringes s 129A(1)(c) of the Electoral Act in that it 'so nearly resembles the LNP Registered Logo that it is likely to be confused with or mistaken for that logo or that 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 one or both of the LNP and the Liberal Party of Australia where that connection does not in fact exist'.

38. The Objectors state that the Party's proposed logo "would inevitably generate substantial confusion as to both identity and connection with the LNP and the Liberal Party of Australia. Its impact would far exceed the boundaries of impermissibility in ss 129A(c) and (d)". It is clear that the references in the Objectors' objection are to s 129A(1)(c) and 129A(1)(d) of the Electoral Act.


39. The Objectors describe a number of ways in which they say s 129A(1)(c) and 129A(1)(d) are infringed. I have considered all of their arguments and supporting material. I consider the particular aspects of their arguments below.

40. The Party's response to the objection argued that the objections are not founded and that there are 'significant differences' between the Party's proposed logo and the LNP logo. The Party emphasised the context of the ballot paper and stated that a reasonable person would not be confused or think that a relationship exists between the Party and either the LNP or the Liberal Party. The Party attached what was described as a 'soft rebrand interim style guide' for the Party and stated that the logo is 'gold lettering on a black field, or black letter on a white field'.

Logo comparisons

41. The Party's proposed logo, the Liberal Party of Australia's logo and the logo of the Liberal National Party of Queensland are set out below.

*Comparison of the Party's logo against the logo of Liberal Party of Australia*

The Party's proposed logo	Liberal Party of Australia's logo
	

*Comparison of the Party's logo against the logo of Liberal National Party of Queensland*

The Party's proposed logo	Liberal National Party of Queensland's logo
	

Black and White

42. Section 126(2)(ba) and s 126(2AA)(a) of the Electoral Act require any logo to be entered in the register to be in black and white. Accordingly, the relevant logo for the purpose of s 129A(1) is the Party's logo as set out above in black and white. It is this logo that I must consider in the context of determining whether the threshold discretion in s 129A(1) has been enlivened due to my opinion on the matters in s 129A(1)(c) and 129A(1)(d).
43. I have therefore not derived any assistance from the material that considered similarities or differences in colour schemes in various versions of the different logos. The Objectors' objection and the attached 'comparative brand analysis' relies in part on arguments in relation to the colour of the Party's proposed logo. Arguments concerning colours are also made in the Party's response to that objection and the attached 'soft rebrand interim style guide'.

Section 129A(1)(c)

44. 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'.



45. 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*). I have also derived assistance from the decision of the Australian Electoral Commission of 5 October 2022 in relation to the Australian Federation Party's application to change its logo on the Register (*Australian Federation Party*), which appears on the AEC's website.

46. 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)

47. Whilst 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 Liberal Party of Australia Logo*

48. The above comparison demonstrates that the logo of Liberal Party of Australia is significantly different to the Party's proposed logo. The proposed logo is made up of two letters and an image, whilst the logo of Liberal Party of Australia does not contain the letters "LP" but uses the word "LIBERAL" below a stylised version of the Australian flag and other images.

49. I am not satisfied that there is any significant resemblance between the two logos. What resemblance there is, is limited to both logos using text in a similar font in capital letters. In my opinion therefore, the proposed logo does not so nearly resemble the logo of the Liberal Party of Australia that it is likely to be confused with or mistaken for that logo.

50. I note that the Objectors do not appear to argue that s 129A(1)(c) is infringed with respect to the Liberal Party of Australia logo. I also note that the test in s 129A(1)(c) is limited to a similarity with 'the **logo**' of another person. A logo's alleged similarity with the abbreviation or acronym of another person or party is not relevant to my task under s 129A(1)(c).

51. In that regard I adopt the submission put to the Tribunal in *Watson* as summarised by the Tribunal at [42] that:

*the focus of the comparison was solely on the logos themselves, and the relevant mischief was confined to a belief that the logos were, or may be, the same. The requirements of s 129A(1)(c) could not be satisfied where there was a likelihood of confusion that did not involve some form of recognition of the existing logo and belief that the applicant's logo was, or may be, that logo.*

(emphasis added)

52. Matters such as similarity with an acronym or abbreviation of another Party may be relevant to an assessment under s 129A(1)(d) as to whether a reasonable person would think suggests that a connection or relationship exists between the applicant and another Party.

*Section 129A(1)(c) and Liberal National Party of Queensland logo*

53. I accept that there is some resemblance between the Party's proposed logo and the Liberal National Party of Queensland logo. I note the following similar elements which are noted in the Objectors' objection:
1. The Party's proposed logo contain an acronym and so does the Liberal National Party of Queensland logo. The letters "LP" are used in the Party's logo and the letters "LNP" are used in the Liberal National Party of Queensland logo.
  2. The text component of both logos is in a similar font and is indented in a similar way.
  3. Both logos have a shape to the left of the text.
54. However, there are differences between the logos:
1. The graphical element is different. The Party's logo includes a flame on the left of the logo whereas the Liberal National Party of Queensland's logo includes a star. The Liberal National Party of Queensland's logo also includes a curvilinear element that covers from the left of the text, over the top of the text and to the right of the logo, and includes a star.
  2. The text element is not identical as the Party's proposed logo does not contain the letter 'N'.
55. The question I am required to consider is whether the resemblance of the logos is so near 'that it is likely to be confused with or mistaken for that logo'. I am required to do so in the context of 'the full spectrum of voters' (*Woollard* at [23]). In *Ruddick v Commonwealth of Australia* [2022] HCA 9 (at [43]) Gageler J described as 'unimpeachable' the following description of the meaning of 'likely' in a materially similar context, given by the Tribunal in *Woollard* at [38]:
- The term 'likely', in this setting, is a direction to the [AEC] to make an assessment of the risk that registration will have the consequences referred to. That risk will not be remote or fanciful but, within the limits imposed by the language of the paragraph, will be relevant to the integrity of the voting process. It may be a risk seen as affecting all electors or it may be seen as affecting a proportion of that population. The assessment will have regard to the fact that not all electors are equally knowledgeable of political parties, nor equally intelligent in discriminating between different terms used on a ballot paper, nor equally literate in appreciating that terms do differ. The task of assessment involves a practical judgment. It is the kind of judgment which courts are frequently called on to make and one which administrators with the appropriate expertise are also required to make from time to time.*
56. 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) for the following reasons.
57. First, I agree with the Party's response to the Objectors' objection that the absence of the 'N' in the Party's proposed logo is a substantial and significant difference the reduces the likelihood of mistake or confusion.
58. Second, 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.
59. Third, 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.

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

*This close proximity [between name and logo] 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.*

61. The ballot paper is significant because an elector who had any uncertainty about the logo such as what 'LP' might stand for, would be able to look immediately adjacent to that logo and see the Party's name 'Libertarian Party'.

62. Further to this, an elector in Queensland in an election where the Liberal National Party of Queensland appeared on the ballot paper could look elsewhere on the ballot paper and would see the LNP logo. An elector outside Queensland in an election where the Liberal Party of Australia appeared on the ballot paper could look elsewhere on the ballot paper and see the Liberal Party of Australia logo.

63. 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)

64. Similarly, I consider that it is unlikely that elector seeing the logo and names of the Party and the Liberal National Party of Queensland on the ballot paper would think the parties are related or would be confused as to which party was the Liberal National Party of Queensland.

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

65. 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 either the Liberal Party of Australia or the Liberal National Party of Queensland. The Party and the Objectors accept that no connection or relationship exists between the parties.

66. The Objectors argue that:

1. The LNP is the Queensland Division of the Liberal Party of Australia and in media reporting the terms Liberal and LNP are used interchangeably.
2. 18 of 26 federal representatives of the LNP are members of the Liberal Party of Australia.
3. 'LP' is a commonly used abbreviation of Liberal Party of Australia. It is 'used by the Parliament of Australia as part of its online resources, including its official guide for contacting MPs and Senators, and the AEC, as the "AEC code" for the Liberal Party of Australia on the official Tally Room website for federal election results'.
4. The abbreviation 'LP' is identical to the proposed letters of the logo.

5. A voter viewing the Party's logo consisting of the letters 'LP' would likely interpret it as an abbreviation of Liberal Party of Australia. This is exacerbated by similarities with the Liberal Party logo.
67. The objection of Stephen makes similar arguments about potential voter confusion with the Liberal Party due to the use of 'LP' by the Party.
68. 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 either or both of the Liberal Party of Australia or Liberal National Party of Queensland because of the logo.
69. This is because 'LP' is not used in the common vernacular of the Australian public when talking about the Liberal Party of Australia. Terms like 'Libs' or 'the Liberals' are much more commonly used in the media. I do not find the sources referred to by the Objectors in the AEC Tally Room website code and the Parliament of Australia persuasive as to what an ordinary voter might think suggests a connection with the Party. In my opinion it is unlikely that an elector would think that the LP being used in the context of the Party's logo refers to the Liberal Party of Australia. Therefore, I do not think it likely that a reasonable person would consider that there is a connection between the Party and the Liberal Party of Australia.
70. 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 the Liberal National Party of Queensland are such that a reasonable person would think that a connection exists between the Party and the Liberal National Party.

### **Summary**

71. 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.
72. 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.
73. In making my decision under s 133(1) to register the Party, I do not consider the objections from Stephen or the Objectors make 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**

74. For the reasons outlined above, I approve the application from Libertarian Party 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

75. 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.
76. Requests for review of this decision should be addressed to Mr Tom Rogers, 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?

77. 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.
78. 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?

79. The Electoral Commission, which is comprised of three members, the Electoral Commissioner, a judicial member and a non-judicial member, conducts internal reviews.
80. 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?

81. If an internal review decision has been made by the Electoral Commission a person whose interests are affected, and who is dissatisfied with the decision made by the Electoral Commission, may apply to the 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](http://www.aat.gov.au/applying-for-a-review/how-to-apply).

### Freedom of Information

82. 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).
83. 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 January 2024