


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

**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 TNL ('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:	<b>TNL</b>
Registered Officer:	<b>Mr Victor Alan Kline</b>
Registered Officer's address:	<b>53 Martin Place SYDNEY NSW 2000</b>
Party logo:	
Does party seek election funding:	<b>YES</b>

**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 13 December 2021;
  - 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');
  - Part XI of the Electoral Act;
  - written particulars objecting to the Application (referred to as 'the objection') received from a person named 'Suzie';
  - the responses to the objections from the Party ('the Response');
  - 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;
  - 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 the 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 13 December 2021 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	1,425
Manually matched to the electoral roll	194
Unable to match or not enrolled on the electoral roll	(30)
Deceased	(1)
<b>Total</b>	<b>1,619</b>

8. Of the 1,619 members matched to the electoral roll the following were identified as duplicates within the membership list or as duplicate members who have previously supported the registration of a registered political party (or parties):

<b>Total matched to the electoral roll</b>	<b>1,619</b>
Under 18 years old	0
Duplicates identified in the membership list provided by the Party	0
Members identified as also supporting the registration of another party	(92)
<b>Total</b>	<b>1,527</b>

9. In accordance with the random sampling formula provided by the ABS, a list of 1,527 members requires a random sample of 33 contactable members to confirm they are members of the Party, with up to two denials of membership are permitted. The Electoral Commission's view is that, absent of any relevant factors to the contrary, a failure to satisfy the test provided by the ABS constitutes reasonable grounds upon which the delegate of the

Electoral Commission can be satisfied that a non-Parliamentary political party does not have the required 1,500 members.

<b>The relevant numbers for this membership test were:</b>	<b>Members</b>
The random sample size	33
Denials Permitted	2
The AEC attempted to contact*	36
The responses were:	
- Confirmed Membership	33
- Denied Membership	0
<b>PASS/FAIL</b>	<b>PASS</b>

\*as some members were uncontactable, or provided a neutral response

10. 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

11. 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.

12. 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

13. When undertaking an initial assessment of the Application, I considered the Party's proposed name 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.

14. The Party name, TNL:
- does not comprise more than 6 words;
  - is not obscene, frivolous or vexatious;
  - is 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;
  - does 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;
  - is not one that a reasonable person would think suggests a connection or relationship exists between the Party and a registered party;
  - 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 that requires consent from an existing registered political party.

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

Party logo

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*.

17. Accordingly, on the basis of the materials before me, I am satisfied that the proposed logo submitted with the Application meets the requirements of s 126(2AA) of the Electoral Act and the specifications described in *Commonwealth Electoral (Logo Requirements) Determination 2016* and that there is no basis to refuse to enter the Party’s logo in the Register under s 129A of the Electoral Act.

### Written particulars

18. 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.
19. 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.
20. On 11 February 2022, the application was advertised in 10 major newspapers circulating in each State and Territory of Australia and published on the AEC website. The advertised closing date for objections was 11 March 2022.

### Objections to the Application

21. The Electoral Commission received one objection:

<b>Written particulars from</b>	<b>Date received</b>	<b>Administrative requirements met</b>	<b>Grounds for objection under the Electoral Act</b>
'Suzie'	11 March 2022	Yes	s 129A

22. Summary of Objection one from Suzie:

'I strongly object to this party being allowed to register as a political party with the use of their proposed logo.

The logo on its own is absolute meaningless.

I object because I don't believe you are able to legally ensure that they do not continue to use the words (formerly The New Liberals)\* as they are currently doing.

I also object because they already have a web site [www.thenewliberals.com.au](http://www.thenewliberals.com.au) and I believe they will continue to use this in conjecture with the proposed Logo.'

23. On 15 March 2022, the Registered Officer of the Party, Mr Victor Alan Kline, responded to the written particulars contained in the objection from 'Suzie'. The response was published on the AEC website in accordance with s 132(6) of the Electoral Act.
24. The response to the objection from the Party, states that '[t]he objection in no way addresses any of the statutory bases for an objection to registration and is therefore wholly invalid.'

### Administrative requirements

25. Section 132(2)(b) of the Electoral Act provides that a person can only submit written particulars objecting to an application on the following grounds:
- the application does not relate to an eligible political party; or
  - the application is not in accordance with section 126; or
  - the application should be refused under section 129.

- the Electoral Commission should refuse to enter a logo of the party in the *Register of Political Parties* under section 129A

26. I do not consider the objection has provided grounds under ss 126, 129 or 129A of the Electoral Act that indicate that the Application has not been made in accordance with the requirements for an application under ss 126, 129 or 129A of the Electoral Act.

Consideration of objections and the response

27. I am of the view that the objection has been made on the basis that the logo is prohibited under s 129A of the Electoral Act.

28. Section 129A of the Electoral Act outlines the requirements for registering party logos. An objection to a party logo, which is made on the grounds of s 132(2)(b)(iii) of the Electoral Act, can be made against any of the requirements outlined under s 129A of the Electoral Act.

29. Section 129A of the Electoral Act provides:

*The Electoral Commission may refuse to enter a logo in the Register if, in its opinion, the applicant's logo:*

- (a) is obscene; or*
- (b) is the logo of any other person; or*
- (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; or*
- (e) comprises the words "Independent Party" or comprises or contains the word "Independent" and:*
  - i. the name, or an abbreviation or acronym of the name, of a recognised political party (within the meaning of subsection 129(2)); or*
  - ii. 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.*
- (f) contains a word that is in the name, or the abbreviation of the name, of a registered political party, and the application is not accompanied by the written consent, to the use by the applicant of the word in its logo for the purposes of registration.*

30. When considering the objection received during the public consultation period, I understand this is based on the logo not containing the letters 'TNL', or words relative to the Application for registration.

31. In my initial consideration of the application, the AEC engaged a service provider to undertake background checks and searches of trademarked and licenced logos. These did not reveal there were any other persons with that logo, that it could be confused with.

32. I have also considered the logo in accordance with Part XI of the Electoral Act. It should be noted that the logo will appear in the Register, alongside relevant information pertaining to the Party. The logo, should the Party wish, may also appear on the ballot paper for a federal electoral event. The addition of a party logo is not viewed in isolation, but rather as an addition to the Party name.

33. The inference to the logo being 'meaningless' to the objector, is not grounds for refusing an application for registration, nor refusing to enter a logo in the Register under s 129A of the Electoral Act.
34. I have also considered the response lodged by the Party on 15 March 2022.
35. I do not consider the grounds provided by the objector to be sufficient to refuse the Application within the meaning of ss 126(2AA), 126(2AB), and 129A of the Electoral Act.
36. In summary, the proposed logo is not prohibited under s 129A of the Electoral Act and accords with the requirements set out in ss 126(2AA) and 126(2AB) of the Electoral Act.

### **Conclusion**

37. For the reasons outlined above, I approve the application from TNL 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**

38. 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.
39. 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?

40. 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.
41. 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?

42. The Electoral Commission, which is comprised of three members, the Electoral Commissioner, a judicial member and a non-judicial member, conducts internal reviews.
43. 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?

44. 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

45. 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).
46. 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  
17 March 2022