

Cam [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

Dear Commissioner

I wish to lodge an objection to the registration of the THE SMALL BUSINESS PARTY.

This objection relates to dot point three of the section entitled "Notification and Objection" in the "Party Registration Overview" of the Australian Electoral Commission's Party Registration Guide.

"The name is one which should be refused by the AEC".

My reasons for this objection are as follows.

The **Small Business Party** is a registered political party in Western Australia.

I believe that the name the **The Small Business Party** is a cynical attempt by the promoters of the new party to choose a name that may technically be different from the **Small Business Party** but that that difference will be lost on the voting public and even the media.

Background

The Small Business Party ran in the Western Australian State Election held on Saturday 11th March 2017 under the name Micro Business Party. This party contested 46 out of 59 Legislative Assembly seats and also contested all six Legislative Council regions.

The party also ran in the Cottesloe by-election held on Saturday 17th March 2018 also under the name Micro Business Party. In the most recent election the I as the candidate for the Micro Business Party received 3.34% of the total vote and 5.86% of the vote in one particular booth, the Freshwater Bay Primary School.

This vote indicates significant voter recognition. Twelve months before the Cottesloe by election, the Micro Business Party received 1.10 % of the vote at this same booth.

At our Annual General Meeting in March 2018 we changed our name to the Small Business Party and this name change is known by the Western Australian public.

We are recognisable and are registered through our Website, Wikipedia, Twitter, Email, PO Box, ASIC, State Library WA, ATO, WA media, WA Electoral Commission and several organisations we work with.

To try to convince people that the **Small Business Party** in fact a different organization from the **The Small Business Party** will clearly be difficult to do. To members of the general public with no special interest in politics, the task will be enormous.

This confusion will not help anyone. It will not help us (the Small Business Party) or the new proposed party (the The Small Business Party) or the voting public who are trying to make an honest assessment of all participating parties and candidates.

Incident concerning proposed name of new party

On Monday 3rd December 2018, the day a newspaper advertisement appeared in *The West Australian*, I received a phone call from Mr Phil [REDACTED] In this call he said "I saw you were registering as a federal party".

I was totally bemused by his comment and told him that we had not registered as a federal party.

He responded by sending me a photo of the ad from the West Australian.

I had to spend a great deal of time explaining to Mr [REDACTED] the reality of the situation, after recovering from the shock of becoming aware of the newspaper notification of December 3rd, 2018.

Suggestion to solve the problem of name confusion

My suggestion is that the proposed party should choose a name for their party that is not similar to that of an existing party. This would be in everyone's best interests.

The confusion the name the **The Small Business Party** will create is obvious and will severely impact on our operations in the future and will detract from the political work we have done in the past.

The proposers should choose an entirely new party name so that they are not confusing the public unnecessarily.

Previous problems with names

The name appearing in the ad as the Proposed Registered Officer of this proposed new party is Angela Vithoukas.

I have had lengthy phone conversations in the past with Ms Vithoukas which stemmed from conflict she had previously had choosing names for her political parties.

Initially she registered the name **Small Business Matters** with the New South Wales Electoral Commission and that name was listed on their website and the NSWEC website. Ms Vithoukas told me that she had run into legal problems with this name because the name Small Business Matters, was already registered and operational name of a commercial business.

She went on to say that she wanted to use the name Small Business Party to placate the owner of the name Small Business Matters and to use this name in the forthcoming New South Wales elections.

She was well aware that we owned the name Small Business Party and on 6th June 2018 she sent me an email in which she asked us to agree to the following ...

To hereby consent to the use in Australia by Angela Vithoukas (and its related bodies corporate, successors, assigns and authorised licensees) of a trade mark which consists of the words "SMALL BUSINESS PARTY" including without limitations,

- *SMALL BUSINESS PARTY*
- *THE SMALL BUSINESS PARTY;*
- *SMALL BUSINESS POLITICAL PARTY;*
- *THE SMALL BUSINESS POLITICAL PARTY;*
- *SMALL BUSINESS AUSTRALIA;*
- *SMALL BUSINESS AUSTRALIA PARTY; or*

- *THE SMALL BUSINESS AUSTRALIA PARTY.*

For an indefinite time period, and without cost.

We were quite stunned by this proposal and informed Ms Vithoukas that we were not prepared to acquiesce to this.

Ms Vithoukas then went on to register the name the **The Small Business Party** in NSW, despite our rejection of her proposal.

Possibility of reconciliation

We believe that there is no possibility of reconciliation with Ms Vithoukas and joining up with her at some point in the future.

Solution

I believe that an already complicated situation will become even more complicated if a third political party is created using the words "Small Business Party" in its name.

We have ...

- i The **Small Business Party** (in Western Australia)
- ii The **The Small Business Party** (in New South Wales)
- iii The proposal to have the **The Small Business Party** as a separate entity registered by the AEC and running federally, including in Western Australia, will be very counter-productive and would not be a positive development for the electoral process here in Western Australia, in New South Wales, or nationally.

The solution is that Ms Angela Vithoukas come up with an alternative name, related to Small Business, but one which is different from ours.

Other Parties have avoided conflict

There are several Christian parties as well as two Socialist parties that cause no confusion at the ballot box because they have chosen names that differential themselves from each other.

Conclusion

I hope sincerely that the AEC rejects the proposed name of this new party and the grounds that it creates avoidable confusion. We are happy with any name this new party chooses as long as it is clearly different from our own.

Kind Regards

Cam [REDACTED]

[REDACTED] Small Business Party

21 December 2018