

Senator Fraser Anning

"Putting Australia First"



Mr Tom Rogers
The Electoral Commissioner
Australian Electoral Commission
Locked Bag 4007
Canberra, ACT 2601

RESPONSE TO OBJECTION BY "WARREN"

Dear Mr Rogers,

Pursuant to Section 132 (5) I wish to respond on behalf of Fraser Anning's Conservative National Party to the objection to our application for registration as a party submitted by "Warren" (details withheld.)

In his objection, the complainant asserts that the name "Fraser Anning's Conservative National Party" and the abbreviated name, "the Conservative Nationals" might be thought to be connected with the National Party of Australia (AKA the Nationals) and therefore does not comply with section 129 (1)(da) of the Electoral Act 1918, (the Electoral Act.)

We submit that the objection based upon Section 129 (1)(da) is without merit, based in particular upon the decision of Woollard and Australian Electoral Commission and Liberal Party of Australia (WA Division) Inc [2001] AATA 166 (6 March 2001) and on the decision of The Fishing Party and Australian Electoral Commission and Australian Fishing and Lifestyle Party [2009] AATA 170 (17 March 2009).

In the former decision, the Administrative Appeals Tribunal found that the name "Liberals for Forests" could be registered as a party as it was not likely to be confused with the Liberal Party. In the latter decision, the AAT found that the addition of the word "and Lifestyle" after the words "Australian Fishing" were sufficient to differentiate it from "The Fishing Party" to allow it to be registered.

In the 2001 Woollard decision, the ATT also further stated that words such as "liberal," "labour," "democrat," "national," "Christian," "progressive," "socialist" and the like were generic and could not be held to be proprietary by any one party. From this it follows that their use is not of itself grounds to contend that any name including them is likely to be thought related to any other party also using them in a different combination.

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On the basis of this, the Liberal Democratic Party was successfully able to be registered against the objections of the Liberal National Party and Liberal Party and the Democratic Labour Party was found able to be registered against the objections of the Australian Labor Party. Subsequently the DLP was even approved to use the contraction “the Labour Party (DLP)” against the objection of the Australian Labor Party.

Based upon this, we submit that Fraser Anning’s Conservative National Party using the contraction “the Conservative Nationals” should be able to be registered as

- (i) the words “conservative” and “national” are generic and not proprietary names of any one party; and
- (ii) no reasonable person would think that a relationship existed between Fraser Anning’s Conservative National Party or the Conservative Nationals and the National Party of Australia or the Nationals any more than they would imagine that the Liberal Democratic Party and the Liberal National Party or the Democratic Labour Party and the Australian Labor Party were connected.

On this basis, we submit that the objection of “Warren” should be dismissed.

Yours faithfully 


Boston White
Registered Officer
Fraser Anning’s Conservative National Party

18 February 2019

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