

Senator Fraser Anning

"Putting Australia First"



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

RESPONSE TO OBJECTION BY "MICHAEL AND GREGORY"

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 "Michael and Gregory" (details withheld.)

In their objection, the complainants assert that the abbreviated name of Fraser Anning's Conservative National Party, namely "the Conservative Nationals" might be confused or be thought to be connected with the Australian Conservatives, the Liberal National Party of Queensland or the National Party of Australia (AKA the Nationals) and therefore does not comply with sections 129 (1)(d) and (da) of the Electoral Act 1918, (the Electoral Act.)

We submit that the objection based upon Section 129 (1)(d) and (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 words "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 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 either confused with or thought related to any other party also using them in a different combination.

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On the basis of this, on 25 June 2013 the Liberal Democratic Party (AKA the Liberal Democrats) was successfully registered by the Australian Electoral Commission (AEC) against the objections of the Liberal National Party and Liberal Party. Also on 20 March 2017 the AEC agreed to register the Democratic Labour Party (AKA Labour DLP) against the objections of the Australian Labor Party.

Accordingly, 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) their combination in our party name is *even less similar* to "the National Party," "the Liberal National Party" and "Australian Conservatives" than the Liberal Democrats were to the Liberal Nationals or the Democratic Labour Party or Labour Party were to the Australian Labor Party, and therefore our party's name is even less likely to be "confused" with another than these were.

Equally, we submit that no reasonable person would think that a relationship existed between Fraser Anning's Conservative National Party (AKA the Conservative Nationals) and the abovementioned parties, 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 "Michael and Gregory" should be dismissed.

Yours sincerely



Boston White
Registered Officer
Fraser Anning's Conservative National Party

18 February 2019