

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 "JESSICA"

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 "Jessica" (details withheld.)

Amongst a stream of criticism of Senator Anning, the complainant appears to contend that the name of our party is likely to be in breach of "Section 129 (da)" presumably meaning Section 129 (1)(da) of the Electoral Act.

We submit that this objection 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.

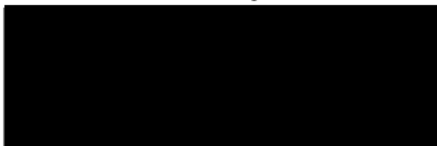
On the basis of this, on 25 June 2013 the Liberal Democratic Party (AKA the Liberal Democrats) was successfully registered by the Australian Electoral Commission (AEC) against the objections of the Liberal National Party and Liberal Party. Also on 20 March 2017 the AEC agreed to register the Democratic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

Accordingly, we submit that since the words “conservative” and “national” are generic and not proprietary names of any one party, and since no reasonable person would think that a relationship existed between Fraser Anning’s Conservative National Party (AKA the Conservative Nationals) and “the National Party,” 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, we contend that our party meets the requirements for registration.

Moreover, the pejorative language used by the complainant regarding our leader, Senator Anning, suggests that this complaint is based more upon partisan opposition to the senator’s inspirational message of traditional values and national renewal rather than any bonafide “concern” that the name of the party might be thought to be connected with an established party.

On this basis, we submit that the complaint of “Jessica” should be summarily dismissed.

Yours faithfully



Boston White
Registered Officer
Fraser Anning’s Conservative National Party

18 February 2019