

## Standing Committee on Finance and Public Administration

### ANSWER TO QUESTION ON NOTICE

Australian Electoral Commission

Finance and Deregulation Portfolio

Supplementary Estimates Hearing – October 2010

#### Outcome 1, Program 1.2

Topic: Liberal Democratic Party (LDP)

Question reference number: F24

Type of Question: Hansard F&PA 147-8, 19 October 2010

Date set by the committee for the return of answer: 3 December 2010

Number of Pages: 2

Senator Ryan asked:

Can you take on notice whether or not they [the Liberal Democratic Party] applied for 'Liberal Democrats' as a contraction when they applied for registration?

#### Answer:

In January 2008, the Liberty and Democracy Party applied under section 134 of the *Commonwealth Electoral Act 1918* (Electoral Act) to change its registered name to Liberal Democratic Party and its registered abbreviation to Liberal Democrats (LDP). The legal advice from the Australian Government Solicitors Office (AGS) on the effect of the legislative 2006 amendments on the reasoning given by the AAT in the Woollard case was that the legislative amendment were unlikely to result in the AAT deciding that the Liberal Democratic Party should be refused registration due to the operations of section 129 of the Electoral Act. A more general advice from the AGS in 2009 on the same legislative provisions has been published on the AEC website.

The AEC does not consider that the definition of 'abbreviation' in section 4 of the *Commonwealth Electoral Act 1918* (a shortened version or acronym of the party's name) is so restrictive as to rule out the National Party of Australia using the abbreviation "The Nationals". Nor, in this case, did the AEC consider the abbreviation "Liberal Democrats (LDP)" ruled out for the Liberal Democratic Party appearing on ballot papers.

A delegate of the AEC approved the changes sought and the three Commissioners of the AEC upheld that decision on appeal. A statement of reasons for each of those decisions is published on the AEC website.

The registered officer of the party was entitled to nominate candidates and request that either 'Liberal Democratic Party' or 'Liberal Democrats (LDP)' be printed on the ballot papers for the 2010 federal election (see section 169 and 210A of the Electoral Act). No other choices were available for the party's endorsed candidates. The registered officer chose 'Liberal Democrats (LDP)' and this appeared

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on the Senate ballot papers in Victoria and on the House of Representative ballot papers for Corangamite, La Trobe, Deakin, McEwen and Gippsland against the names of this party's endorsed candidates.

Decisions on similar names for registered political parties are complex decisions undertaken by the AEC. The AEC relies upon section 129 of the Electoral Act in the light of the amendments referred to above. It also relies on the findings of the AAT in both the Woollard case and The Fishing Party case, as well as the AGS opinion published on the AEC website. The question of when a reasonable person would think a name suggests a connection or relationship between parties is not black and white and the decision is necessarily the most reasonable view of the competing claims. In the AEC's consideration of the application to change name to the Liberal Democratic Party, both the party and the objectors provided evidence to support their claims based on experiences at previous elections.