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From: Bob Day [REDACTED]
Sent: Monday, 22 July 2024 9:42 AM
To: FAD
Subject: Objection to the registration of Family First Party Australia
Attachments: Objection to the registration of Family First Party Australia 22.7.24.pdf

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Please see attached.

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22 July 2024

Funding and Disclosure
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Objection to the registration of Family First Party Australia

Dear Commissioner

As both an elector and the Party Agent for the [Australian Family Party](#), I object to the registration of **Family First Party Australia** pursuant to Sections 126, 129 and/or 134 of the Electoral Act viz:

1. The proposed name of the party **Family First Party Australia**:

*“ ... (d) so nearly resembles the [name](#), ... of another political [party](#) – **Australian Family Party** – (not being a political [party](#) that is related to the [party](#) to which the application relates) that is a [recognised political party](#) that it is likely to be confused with or mistaken for that [name](#) and/or*

(da) is one that a reasonable [person](#) would think suggests that a connection or relationship exists between the [party](#) and a [registered party](#) if that connection or relationship does not in fact exist ...” and/or

“ ... (i) the applicant [party's name](#) contains a word – ‘FAMILY’ – that is in the [name](#) of the [name](#), of a [registered political party](#); and

(ii) the proposed abbreviation of the applicant [party's name](#) contains a word that is in the [name](#) – ‘FAMILY’ – or abbreviation of the [name](#), of a [registered political party](#); ...” and/or

(ca) for an [eligible political party](#) that is not a [Parliamentary party](#)--include a list of the [names](#) of the 1,500 members of the [party](#) to be relied on for the purposes of registration.”

2. Former **Family First Senator Bob Day**:

Were the name *Family First* to appear on a federal election ballot paper, a voter may be misled into voting for – or not voting for – this party thinking the party was associated with me.

Having run as a Family First candidate in Federal elections and byelections in 2008, 2010, 2013 and 2016 and elected twice to the Senate (2013 and 2016), I built a substantial national following throughout the Christian community, conservative think tanks and, as a former National President of the Housing Industry Association, the Australian building and construction industry. My name and the Family First name were inextricably linked in the minds of voters.

Australian Family Party

I continue to maintain a national profile as *Bob Day former Senator for South Australia* in blogs, newsletters, podcasts, interviews, opinion pieces and letters to the editor, and the media also continues to refer to me as ‘Family First senator Bob Day’: *‘Rikki Lambert, a former chief of staff to Family First senator Bob Day, has also nominated’* (to replace retiring MP Rowan Ramsey in Grey at the next federal election, InDaily 9 July 2024) and, *‘In this episode, Jeremy Cordeaux speaks with Senator Bob Day about various topics, including the history of mining in South Australia’*, (The Court of Public Opinion 21 June 2024).

When in April 2017 Family First was subsumed by the *Australian Conservatives Party*, then Immigration Minister Peter Dutton said, *“Bob Day was really the father of Family First and obviously had strongly financially backed Family First and when he exited it really was the case that the writing was on the wall”* (Louise Yaxley, ABC: *‘Cory Bernardi’s Australian Conservatives to amalgamate with Family First’* 25 April 2017).

Whilst I was not the ‘father’ of Family First as claimed by Mr Dutton, I was nationally recognized as the leader of both the parliamentary and organisational wings of the Party. When I left the Federal Parliament in 2016, the Family First mantle did not pass to another. The Party disbanded.

This new Family First Party is led by former Labor Party veterans Tom Kenyon and Jack Snelling.

As both men were Ministers in a Labor Government, it seems somewhat incongruous that two former Labor Party operatives are now claiming to be inheritors of the Family First tradition. If anything, Family First was considered more closely aligned with the Liberal Party as evidenced by my voting record in the Senate – over 90% of the time voting with the Liberals.

3. The South Australian experience

Following my resignation from the Senate in November 2016, the Family First Party executive at both State and Federal levels, unanimously endorsed a plan to dissolve the Party and donate all its assets – including its intellectual property – to Cory Bernardi’s fledgling *Australian Conservatives Party* (Memo to Family First State Executive 26.4.2017) –

“I’m pleased to say they were courteous enough to enquire as to the intellectual property that was attached to Family First which was vested in me when they merged with the Australian Conservatives, Mr Bernardi said.” (Leah MacLennan ABC News 29.7.2021).

Media reports stated, *“According to Australian Conservatives executive John Macaulay, and the dissolution document of Family First, Family First did not merge with the Australian Conservatives. The Family First executive voted to dissolve the party, and in accordance with Australian law, donated all their assets to the Australian Conservative Party”* (Louise Yaxley, ABC: *‘Cory Bernardi’s Australian Conservatives to amalgamate with Family First’* 25 April 2017).

The Family First Party was de-registered, the company (Family First Party Australia Ltd ACN [REDACTED]) wound up, and the Family First name completely abandoned.

Former Family First State Chairman and Federal Executive member Dennis Hood, speaking on behalf of both the State and Federal branches of the Party said at the time, *“The executive of Family First has voted unanimously in favour of the merger (with Australian Conservatives), which will see the end of the Family First Party name from today.”* (InDaily 26.4.17).

The Australian Family Party relied on these unequivocal statements when it launched in 2020.

For the next four years (2017 to 2021), the name Family First was not mentioned by any of the executives of the former Family First Party.

Following the 2018 State and 2019 Federal elections, *Australian Conservatives* itself was disbanded.

In discussing the formation of the Australian Family Party in 2020 with the original founder of the former Family First Party Andrew Evans, it was clearly understood that the Australian Family Party was intended to be the old Family First Party's successor – '*Family First 2.0*' to use common parlance. Andrew Evans was supportive and congratulated me on the launch of the new Party.

After much preparation, the Australian Family Party was officially launched on 28th October 2020.

All former Family First Executive members were aware of the launch and a number of them joined the new Party.

I presented myself, and the Australian Family Party, as '*Family First 2.0*' using the byline '*Putting the family first!*' to make the connection with the former Family First Party.



Original 2020 flyer

The media also referred to the newly formed Australian Family Party as '*Family First 2.0*' (InDaily 28.7.21).

Notwithstanding the unequivocal statement by Dennis Hood in 2017: "*I am pleased to inform you that the State Executive has unanimously supported the closure of the Family First Party and the amalgamation of its existing assets with the Australian Conservatives. I will be proposing the closure of the Family First Party as a legal entity on 30 June 2017*", in September 2021, in an application to resurrect Family First as a political party, one of the executives who participated in the 2017 closure – Christopher Baker – declared to the SA Supreme Court, "*Family First Party Incorporated is still registered, and I am the Public Officer*"!

Mr Baker asked the court to reinstate Family First Party Australia Ltd – and the former's trademarks and intellectual property ie rights to use the name – notwithstanding the claims made by Dennis Hood and Cory Bernardi.

As it was an Ex Parte (no other parties present) Application, the Court did not hear of my objection to the registration of the Family First Party – despite the significant impact the reinstatement would have – and indeed did have – on the Australian Family Party.

The Court also did not discuss the Family First Party's absorption into the *Australian Conservatives*, nor was the 'dissolution document' referred to above which presumably dealt with the intellectual property of Family First Party Australia Ltd. Rather, Mr Baker stated that the intellectual property was "*currently vested in the Commonwealth*".

Mr Baker went on further to claim that *“the deregistration (of Family First Party Australia Ltd) was done in error”*.

The Court acceded to Mr Baker’s request and the company’s former assets were returned to it, again, notwithstanding the claim made in 2017 that all assets had been given to the *Australian Conservatives Party*.

How all that was achieved has not been satisfactorily explained.

Further, regarding s126(2)(ca), I would argue that in this case the factual deregistration of Family First Party Australia Ltd resulted in the loss of membership of the pre-existing members of the party under its constitution (submitted to the AEC unedited and unchanged), meaning that any person being held out as a member to the AEC to count towards the 1500 electors who had not actively renewed his or her membership following the purported reconstitution of the company vehicle for the party (noting that ‘free’ or ‘associate’ passive members have likely been provided to the AEC), would not be valid members for the purposes of s126(2)(ca).

The only way to ensure this is not the case would be to go beyond the ‘sampling’ test usually done by the AEC and ensure that all 1500 members provided are in fact current members of the new entity.

Following the Supreme Court’s decision to reinstate the company, the Party applied to the SA Electoral Commission for Party registration and, despite the Australian Family Party’s objection on the grounds that the application contravened the SA Electoral Act in that the proposed name of the Party:

*“...so nearly resembles the name of another political party (not being a related political party) – **Australian Family Party** – that is a registered political party, that it is likely to be confused with or mistaken for that name ... ”*, the SA Electoral Commissioner saw fit to register the Party:

“I have considered your objections (to the registration of Family First Party), and I am satisfied that the name 'Family First Party' ... does not so nearly resemble the name 'Australian Family Party' that it is likely to be confused with or mistaken for that name”.

To add insult to injury, the Family First Party then lodged an objection to the registration of the Australian Family Party on the grounds that, *“The name Australian Family Party is almost certain to be confused with the name Family First Party Inc”* and *“The fact that Bob Day was previously a senior office holder and endorsed candidate of the Family First Party would also lead to confusion between the two parties”*.

They argued that if there were to be only one Party with the name ‘Family’ in it, it should be them!

This more than a year after the launch of the Australian Family Party.

Throughout the application process to register Family First Party in SA, I attempted to convince Messrs. Kenyon and Snelling that two Christian-based family parties could not work. They responded by stating that all that had been taken into account and the decision had been made to go it alone.

They even acknowledged that when they were exploring the feasibility of resurrecting Family First, *‘the fact the Australian Family Party was well down the path was an important consideration’*.

As many political observers would acknowledge, most people do not engage with politics until election time, so having two parties with very similar names on the ballot paper on election day could confuse voters resulting in neither party being elected.

Which is exactly what happened.

At the subsequent SA State election (2022), the Family First Party and the Australian Family Party robbed each other of votes and the Labor Party picked up the last Upper House seat (Russell Wortley).

Voters, however, were not the only ones to be confused.

Prior to the Dunstan by-election in 2024, I received the following email from the SA Electoral Commission in response to my request for a copy of the electoral roll:

“Sorry for the delay, the request for the roll data has come back. Apparently, the request has to come from the Registered Officer, with our record showing that ... (the name of the Family First Party Registered Officer) ... is the Registered Officer...”

So, despite the SA Electoral Commissioner claiming there would be no confusion, the Electoral Commission itself has us confused.

Yours sincerely

[Redacted signature]

Robert [Redacted] Day

[Redacted]

[Redacted]

T: [Redacted]