

**IN THE MATTER OF THE LIBERAL PARTY OF AUSTRALIA, ITS BRANCHES
AND AFFILIATES**

**AND IN THE MATTER OF AN APPLICATION BY THE NEW LIBERALS TO
DE-REGISTER THE LIBERAL PARTY OF AUSTRALIA UNDER S 137(1)(c) OF
THE COMMONWEALTH ELECTORAL ACT 1918 (Cth)**

1. This is an application on behalf of The New Liberals, pursuant to s 137(1)(c) of *Commonwealth Electoral Act 1918 (Cth)* (**the Act**), requiring the Australian Electoral Commission (**the AEC**) to show cause why it should not be satisfied, on reasonable grounds, that the ongoing registration of the Liberal Party of Australia and its branches and affiliates (**the LPA**), has been obtained by fraud or misrepresentation in relation to its name, and as a result that the LPA should be de-registered.
2. Section 137 of the Act relevantly provides:
 - (1) *If the Electoral Commission is satisfied on reasonable grounds that:
(c) the registration of a political party so registered was obtained
by fraud or misrepresentation...
... the Commission must give the registered officer of the party,
notice, in writing that it is considering de-registering the party
under the section....*
3. Parliament could not have intended that the word ‘obtained’ in s 137(1)(c) would be restricted to the moment of first registration and only that moment. Rather it must have intended that a party could be de-registered if the ‘ongoing’ registration of that party was obtained by fraud or misrepresentation.
4. If this were not so, absurd results could follow. Suppose, for example, that a party genuinely concerned with the fight against climate change, ‘obtained’ registration of a party named *The Fight Against Climate Change Party*. But then, one year after registration, branch stacking caused that party to be taken over by a group of climate deniers backed by the coal lobby, whose aims were diametrically opposed to the original founders of the party.
5. If the only time the AEC could look at fraud or misrepresentation was at the original registration of the party, then the climate deniers could, forever more go to the ballot box using the name *The Fight Against Climate Change Party*, and completely confound and confuse voters into thinking that a vote for them was a vote for the fight against climate change, whereas it would be a vote for the exact opposite.
6. Thus, the Parliament must have intended that any ongoing registration ‘obtained by fraud or misrepresentation’ would be subject to the sanction of the section. Otherwise, the AEC would be powerless to prevent the climate deniers from engaging in fraud and misrepresentation forever more, because of a technical interpretation of the word ‘obtained’.

7. Liberalism has a long history in the world of politics, and has many shades of meaning. But the one thing all commentators agree on, is that it is a very different, if not an entirely opposite philosophy, from conservatism.
8. Importantly and relevantly, in the Australian context, ‘liberal’ values were exemplified, by the party of Sir Robert Menzies (1949-1966). Menzies was the founder of the LPA. He took a Keynesian approach to the economy, running deficits 8 to 9 times higher than many modern governments, whilst maintaining full employment and minimal inflation.¹ He made the maintenance of full employment his number one priority, and knew that the way to achieve that was through significant government stimulus.²
9. The Menzies government stood for Trade Unionism³, profit sharing for workers, incentive payments, high wages and good conditions, and fair industrial laws impartially applied to employers and employees alike, as his political flyer for the 1949 election shows⁴. It also supported good unemployment and sickness benefits, and the maintenance of the utmost respect for those who collected them.⁵
10. The New Liberals suite of policies and its Charter of Core Values, reflect much of what the original LPA under Menzies stood for.⁶ The New Liberals are the true inheritors of the Menzies tradition.
11. Today’s LPA, on the other hand, is not a liberal party at all, and has not been so, at least since the government of John Howard (1996-2007). It has abandoned all the things the party of Menzies held dear. Indeed, it has abandoned liberalism altogether in favour of extreme conservatism. Its current policies are as diametrically opposed to liberalism as climate action is to climate denial.
12. As British journalist and broadcaster, Michael Goldfarb said: “Liberal leader John Howard was a conservative slightly to the right of Ronald Reagan”.⁷
13. In fact, the LPA under Scott Morrison has become so conservative, that British Conservative Leader Boris Johnson felt constrained to de-invite Morrison to speak at this year’s climate summit because the LPA’s conservatism was so extreme it had nothing to offer the summit. This showed not only that the LPA is more conservative than the British Conservative Party, but, as Morrison was the only leader de-invited, in all probability the most conservative party in the democratic world.⁸

¹ [Professor Steven Hail on Modern Money and the Budget Emergency](#)

² [Gareth Hutchens: Unlike Today's Liberals, Robert Menzies Boasted of Delivering Large Budget Deficits \(ABC 30 August 2020\)](#)

³ [Menzies was Trade Union Hero: Keating \(SMH 25 October 2007\)](#)

⁴ [Menzies' Political Flyer for 1949 Election](#)

⁵ [Menzies on Unemployment and Sickness Benefits](#)

⁶ www.thenewliberals.net.au

⁷ [Liberal? Are We talking About the Same Thing? \(BBC News 20 July 2010\)](#)

⁸ [Rob Harris: Why Johnson Rejected Morrison to Speak at Climate Summit \(SMH 22 March 2021\)](#)

14. Most troubling of all was Home Affairs Minister Dutton's recent statement that "I've always seen Parliament as a disadvantage, frankly, for a sitting government."⁹ This prompted one commentator to suggest that such a statement was only a small step from a military coup.¹⁰ At the very least it exemplifies that the LPA, far from being a liberal party, is perhaps the most conservative party in the democratic world, and is toying with ideas of authoritarian rule.
15. Therefore, does the LPA calling itself 'liberal' constitute a misrepresentation or a fraud?
16. A misrepresentation is "a representation which does not accord with the true facts".¹¹ The representation by the LPA that it is a liberal party 'does not accord with the true facts' as illustrated above, and is therefore a misrepresentation put out to the Australian people on an ongoing basis.
17. Fraud is the "perversion or concealment of the truth with wilful intention of injuring another"¹². That the Liberal Party should pretend to be a liberal party is a 'perversion or concealment of the truth' and thus a fraud on the Australian people, who are the ones 'injured' by that fraud.
18. The New Liberals, which is a true liberal party, is also injured by that misrepresentation and that fraud. With the obfuscation created by the misuse of the word 'liberal' by the LPA, it is very difficult for The New Liberals to get its message to the voters, who are in turn again injured by being deprived of that message and the true liberal alternative offered to them by The New Liberals.
19. The misrepresentation and the fraud perpetrated on the Australian people by the LPA falls squarely within the protective provision of s 137(1)(c).
20. As a result the AEC must, pursuant to the procedures set out in s 137(1A)-(6), proceed to de-register the Liberal Party.

Victor Kline
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⁹ [James Jeffrey: Stewth: Dutton Thinks Parliament is a Disadvantage \(The Australian, 11 December 2018\)](#)

¹⁰ Ibid.

¹¹ *Palmer v Defence Force Retirement and Death Benefits Authority* [2006] ALMD 1787 at [45].

¹² *Ex parte Smith* (1908) 8 SR (NSW) 593.