



Office of Senator Jacqui Lambie Senator for Tasmania

8th November 2021

The Hon James McGrath

Chair

Joint Standing Committee on Electoral Matters

Via email: em@aph.gov.au

Dear Chair,

Thank you for the invitation to make a submission to the Joint Standing Committee on Electoral Matters inquiry into the Candidate Qualification Checklist. My thoughts are as follows:

I've spoken to people who have not known in all sincerity where their parents and grandparents were born. They might have an idea, but they don't know for sure. If their parents are lucky enough to still be alive, it's not normally hard to find out, if you're on good terms with them. But not everyone is. And that's fine.

Then there's the issue with grandparents. How many people who are currently represented have grandparents who are living? I'd wager it's few and far between — we're not a young bunch, after all. So you can't exactly ask them where they were born. You may well want to ask your parents where your grandparents were born, but unless we're expecting people to actually visibly check the birth certificate, you're really just taking on trust that the answer you get is accurate.

The pressure release valve of saying "I don't know" is premised on some untested legal assumption that ignorance is a defence when it comes to Section 44. To my knowledge there isn't a basis for this.

To require someone to say categorically that they don't know something is straightforward, but it doesn't mean much when it comes to Section 44 of the Constitution. Your eligibility to be elected to Parliament can't be determined by whether or not you know where your parents and grandparents were born.

I've always thought it's problematic that with the stroke of a pen from a foreign nation, whole groups of people can become ineligible to sit and stand for Parliament in Australia. If a country decides to make someone a citizen, even against that person's knowledge, even against that person's will, they can't be an MP. We're handing over a power to decide who our representatives are to a foreign nation.

But the bigger, and more troublesome issue, is not around citizenship at all, but with the provision around holding an 'Office of Profit under the Crown'.

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This rule prevents teachers, nurses, police officers and doctors from becoming politicians. People who've cared for their communities, who've led careers of public service, who've sought to make a contribution to the lives of the people around them, and are told that unless they throw that job in and quit, they will not be eligible to become politicians. That is absurd.

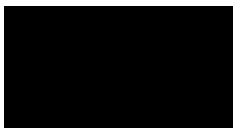
The kinds of people that the rule around holding an 'office of profit' impacts are exactly the kinds of people who should be politicians in the first place. Leaders in their community, who want to help other people. The fact we don't have more of them in Parliament today is depressing; the fact we have rules preventing them from getting here is inexcusable.

Any government with any spine would go to a referendum to get rid of this rule, altogether. Put to the people the question, 'would you like parliament to have more trade union officials or more teachers', and you'd pass it without controversy.

Should there be rules around conflicts of interest? Absolutely. You've got to uphold trust in government and you can't do that while you're getting paid by decisions being made by the government you're helping form. But there are ways to manage those conflicts (we've seen prominent members of this current government take advantage of blind trusts in recent times, with differing levels of success) and they don't require disqualification from even getting involved in the first place.

Any rule we have that says someone can't run to represent their community is a rule that takes the decision over who should be your local representative out of the hands of locals and puts it into the hands of the courts, the Parliament, and even into the hands of foreign countries. It makes us less democratic, it makes the political talent pool more incestuous and makes decision-making less representative of the people whose lives are impacted by those decisions. We don't have enough talent in the current Parliament to say we've got the balance right. We should be making it easy for anyone and everyone to run for election. The ones deciding if you win or lose should be voters, not the High Court.

Yours Sincerely



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