



**Australian Government**  
**Department of Finance**

**Submission to the Joint Standing Committee on Electoral Matters' Inquiry into the Candidate Qualification Checklist**

1. The Department of Finance (Finance) welcomes the opportunity to provide a submission to the Joint Standing Committee on Electoral Matters' (JSCEM) Inquiry into the Government's proposed amendments to the Candidate Qualification Checklist (the Checklist).

**Role of Finance**

2. Under Part 5 of the Administrative Arrangements Order (AAO), Finance has responsibility for electoral matters. Finance implements this responsibility by providing policy advice to Government, including with regard to the *Commonwealth Electoral Act 1918* (Electoral Act).
3. Finance provides advice on the legislative framework for the Checklist under the Electoral Act and supports the Australian Electoral Commission (AEC), an independent statutory authority within the Finance portfolio that conducts electoral events and is responsible for administering the Checklist.

**Background to the Candidate Qualification Checklist**

4. The existing Checklist was introduced into the Electoral Act by the *Electoral Legislation Amendment (Modernisation and Other Measures) Act 2019*.
5. The questions contained in the Checklist go to a person's eligibility to be elected to Federal Parliament under section 44 of the Australian Constitution.
6. Finance notes the introduction of the Checklist responded to Recommendation 3 of JSCEM's report *Excluded: The impact of section 44 on Australian democracy*.
7. The 2019 federal election was the first electoral event where the Checklist was used.
8. Finance notes JSCEM's comments on the Checklist in its report on the 2019 federal election, including its recommendation that the Checklist be revised before the next election to make mandatory the provision of information about the date and country of birth for a candidate, their parents and grandparents (Recommendation 1).

**Development of the draft Checklist**

9. Finance, in consultation with the AEC and the Office of Parliamentary Counsel, developed a draft Checklist that was released for public comment on 4 August 2021 by the then Assistant Minister for Electoral Matters, the Hon Ben Morton MP.
10. The proposed amendments to the Candidate Qualification Checklist make some questions mandatory for candidates, request additional information as to a candidate's date of birth, place of birth, date of naturalisation (if not an Australian Citizen at time of birth), and request the date and place of birth for all parents and grandparents of a candidate. The amendments also formalise the process for candidates to advise additional details in relation to their citizenship, answering for example if they became a citizen of a country other than Australia as a result of a relationship with a current or former spouse or similar partner.