

Submission regarding: Inquiry into matters relating to Section 44 of the Constitution

Regarding the inquiry into matters relating to section 44 of the Constitution, as referred to the Joint Standing Committee on Electoral Matters on 28 November 2017 by the Prime Minister, please find below my opinion and proposal in relation to terms of reference D and E, as they relate to the following parts of the terms of reference preamble:

“Other Senators, Members and candidates have been disqualified, or had their eligibility, on the basis that they hold “office of profit under the Crown” (section 44(iv) . . .”

“Many Australians who wish to serve in the Parliament may be at risk of disqualification under these provisions, and may be discouraged from participating in the electoral process.”

As per figures published by the Australian Bureau of Statistics (<http://www.abs.gov.au/ausstats/abs@.nsf/mf/6248.0.55.002>) there were, in June 2017, 1,956,800 public sector employees in Australia, including 239,800 employees in Commonwealth government and 1,527,600 in state government.

From my understanding of disqualification criteria outlined in section 44 of the Constitution, if a federal public servant (and possibly state too) was interested in participating in the electoral process by nominating for a seat in either house of Federal Parliament, then they would be required to quit their job prior to nominating. This is not required of someone employed in the private sector.

To have to quit their job in order to make the attempt to get into parliament is a huge disincentive for any public servant to participate in the process. Even if the public servant is assured by their employer that they would be re-hired if they are not successful, this would still mean that they are not being paid for the duration of the campaign, which could presumably be a month or two or more. This is a massive financial disincentive to participate.

This disqualification criteria affects hundreds of thousands of people in Australia who might otherwise meet all the eligibility criteria and be passionately interested in making a contribution to society by entering Federal Parliament as a Senator or Member.

I think that it is vitally important for this issue to be looked into by the Committee, and I strongly believe that the provisions under section 44 of the Constitution need to be amended such that public servants who wish to serve in parliament are not discouraged from participating in the electoral process. They should be allowed to retain their job while campaigning, and only be required to resign from their position if and when they are successful in winning a seat in parliament.

Failure to remove this barrier to wider participation in the electoral process can only lead to further disengagement between eligible voters and the Federal Parliament.