

Two Greens senators in Australia resign over dual citizenship

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The increasingly crisis-ridden character of the Australian federal parliament has been underscored over the past week by the unprecedented resignation of the two deputy leaders of the Greens, senators Scott Ludlam and Larissa Waters.

Ludlam told a press conference last Friday he had been informed that he was ineligible to sit as a member of parliament, because he is a dual Australian-New Zealand citizen. Yesterday, Waters tearfully declared that, in the wake of Ludlam's resignation, she too had discovered that she was a dual citizen and was therefore resigning.

Ludlam said he had been unaware he was a New Zealand citizen when he became a senator in 2008. His family migrated to Australia when he was only three-years-old. Waters was born in Canada to Australian parents who left the country before she was one-year-old. She has never lived in North America.

According to parliamentary tradition, both seats—Ludlam's in Western Australia, and Waters' in Queensland—will be taken by Greens' representatives. However, if the Senate refers the matter to the High Court and the initial election of the Greens' senators is ruled invalid, there will be a countback of the votes and members of other parties could be installed.

In the short-term, the resignations could limit Greens' influence in the Senate, potentially aiding the Liberal-National government in pushing through legislation.

The government holds just 29 of the Senate's 76 seats, meaning that it requires the support of at least 10 other senators to pass its legislation. The Greens had nine seats, but will now only hold seven for a period following the resignations. Aside from Labor, other minor parties and independents occupy 10 seats.

The resignations could further accelerate the instability of parliament. As many as 20 other MPs, including from Labor and the Liberal-Nationals, are reportedly investigating whether they are also dual citizens. Hostile inquiries, aimed at unseating political opponents, are doubtless also taking place.

The episode has underscored the anti-democratic character of Australian electoral laws. Section 44 of the constitution ostensibly bans dual citizens from sitting in the federal parliament.

The law potentially affects almost seven million people, who

are either dual citizens, or are eligible to be as a result of having been born overseas. Revoking foreign citizenship can be a costly and difficult process. Labor Senator Sam Dastyari, for example, has revealed that he had to spend more than \$25,000 in legal costs to renounce the Iranian citizenship he was born with.

The law is one of a series of deeply discriminatory clauses in the Constitution, which also bans anyone "benefitting from the Commonwealth" from holding federal parliamentary office.

What is most striking about the departure of Ludlam and Waters, however, is that they chose not to pursue the substantial legal grounds that exist to challenge their disqualifications under section 44.

In a High Court case in 1992, concerning two candidates for federal parliament who held dual citizenship, two dissenting judges stated that both were eligible to stand. The judges cited the candidates' "longstanding association with Australia," and the fact they had effectively renounced any "foreign allegiances" in a naturalisation ceremony. While this opinion did not prevail, it established a precedent for opposing attempts to remove parliamentarians on the grounds of dual citizenship.

The ruling of the five majority judges was based on a consideration of whether the candidates had taken "reasonable" steps to renounce their foreign citizenship. They stated that the definition of what constituted a "reasonable" step was dependent on individual circumstances. This opinion could clearly have been invoked by Waters and Ludlam, who both claimed to be oblivious of their dual citizenship. Waters is only a Canadian citizen because she was born one week before the country's laws were changed.

More recently, in 2010, it was alleged that the prominent senator, Eric Abetz, who is currently a member of the federal Liberal-National government, was a dual Australian-German citizen. The case was not pursued, but it has been claimed that Abetz only formally renounced his German citizenship in 2010—over a decade after his initial election to parliament.

The decision by Ludlam, Waters and the Greens as a whole to capitulate without any fight highlights the fraudulent character of their occasional claims to defend democratic rights. Rather than opposing the nationalist and discriminatory character of section 44 of the constitution, Ludlam and Waters fawningly

apologised for their oversight.

Nor did Ludlam publicly question the dubious circumstances in which the issue of his citizenship emerged. It has been revealed that he was privately contacted by John Cameron, a Perth-based barrister, who professed to have inadvertently discovered documents revealing Ludlam's New Zealand citizenship.

Cameron's claims to be politically-disinterested appear questionable. According to the *Guardian*, Greens officials have privately speculated that he was provided the information, which is not publicly accessible, by sources in the New Zealand state apparatus or government.

However, Ludlam and senior Greens figures have not publicly raised the possibility that the revelation was part of a calculated attempt to end his political career. Attorney-general George Brandis rapidly pounced on the issue with the vindictive suggestion over the weekend that Ludlam may be forced to repay his entire parliamentary salary, which could be as much as \$2 million.

Ludlam and Waters' political demise coincides with a deep-going crisis in the Greens, stemming from its transformation over the past two decades into the party of "environmental" business, with a voter base primarily among the most affluent sections of the upper-middle-class.

Its ever-more open pro-business orientation provoked public conflicts within the party last month.

The federal party room voted to exclude New South Wales Greens' senator Lee Rhiannon from discussions on contentious matters. She had publicly campaigned against the governments' regressive school funding legislation which the Green leadership were in backroom negotiations to push through the senate.

At the same time, the party's federal leadership is demanding changes to the New South Wales Greens constitution, which requires its senators to adhere to state-based policy in the federal party room.

Those who spearheaded the attack on Rhiannon, including party leader, Richard Di Natale, are concerned that her "left" posturing jeopardises their attempts to forge deals with the government of the day. For the dominant faction led by Di Natale, such dealing is essential if the Greens are ever going to be able to enter into a formal governing coalition with either Labor or the conservative parties.

For her part, Rhiannon, who has decades-long ties to the trade union bureaucracy and pseudo-left organisations, is fearful that the open integration of the Greens into the political establishment will result in the party being bypassed by a developing radicalisation of the working class and young people.

Di Natale and former party leader Bob Brown have both indicated that they will exploit the two resignations to intensify their campaign against Rhiannon. They intend to push for the national leadership to exercise greater control over the

nominally independent state branches of the Greens.

Brown told the Australian Broadcasting Corporation that the resignations indicated the need for greater "centralisation." Di Natale said that the party would conduct a "root and branch review of internal processes" to ensure that it could be a "party of government." Both unquestionably supported the regressive constitutional ban on dual citizens.

Waters and Ludlam voted for the exclusion of Rhiannon from the party room, a measure that was relaxed last week. At times, however, they have been associated with her and others in the so-called "left" grouping of the Greens.

Throughout his parliamentary career, Ludlam spoke-out against the most egregious attacks on democratic rights, and occasionally criticised Australia's alignment with US militarism in the Middle East and the Asia Pacific. Like Rhiannon, Ludlam's rhetoric has been aimed at channeling growing opposition to social inequality, the erosion of democratic rights and war behind the Greens and confining it to a parliamentary perspective.

The fraudulent character of this posture was made clear by the central role played by the Greens in propping up the minority Labor government of Julia Gillard from 2010 to 2013. That government, kept in office by the Greens, including Ludlam and Rhiannon, pushed through sweeping pro-business attacks on healthcare, education and welfare, while aligning Australia with the US pivot to Asia, a vast military build-up in preparation for war with China.

Ludlam said over the weekend that having left parliament, he will "find some other way of stirring up trouble." His remark indicates that he intends to continue promoting the bankrupt perspective of protest appeals directed to parliament. Amid an unprecedented crisis of the official political establishment, Ludlam may also play a role in developing new political mechanisms aimed at preventing the working class from turning to a genuine socialist and internationalist alternative.



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