

Australian deputy prime minister facing disqualification as dual citizen

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A deep-going crisis wracking the entire political establishment reached a new level of intensity yesterday. Deputy Prime Minister Barnaby Joyce was referred to the High Court, the country's supreme court, for potential disqualification as a member of parliament because he is a dual citizen of both Australia and New Zealand.

Joyce's admission that he is a New Zealand citizen throws into doubt the survival of the unstable Liberal-National Coalition government. Not only is he the deputy prime minister and the leader of the National Party, the rural-based coalition partner, but the loss of his vote would leave the government without a majority in the House of Representatives.

Joyce has become the fifth MP to be referred to the High Court since parliament resumed last week from its winter recess. The first four, however, were from the Senate and so had no direct effect on the government's precarious one-seat majority in the lower house.

The disqualifications affair is still widening. The government is today threatening to refer seven Labor Party opposition MPs to the High Court, claiming they have failed to produce documents to prove they are not entitled to citizenship of other countries.

The furore began last month, in still unclear circumstances, when two Greens senators quit their seats after it was revealed they had dual citizenship. At least 50 MPs are now having their eligibility called into question. Section 44(i) of the 1901 Constitution is an anti-democratic provision, declaring ineligible anyone "entitled" to citizenship of another country, even by birth or descent.

The High Court is not scheduled to hear the cases until October, leaving a cloud over the government. If Joyce is disqualified, he could stand for re-election at a by-election for his seat if he renounces his New

Zealand citizenship in the meantime. But there is no guarantee that Joyce would win the seat again, given the government's growing unpopularity.

For now, Prime Minister Malcolm Turnbull is refusing to stand Joyce aside as a minister despite the High Court proceedings. In parliament yesterday, Turnbull effectively sought to preempt the court's ruling, declaring: "The Deputy Prime Minister is qualified to sit in this house and the High Court will so hold." Legal experts, however, warned that Joyce's case was by no means certain, and that Turnbull's statement put him in danger of coming into conflict with the court.

Joyce said his father was born in New Zealand before migrating to Australia in 1947. This made Joyce automatically a New Zealand citizen under that country's law. He is the second National Party cabinet member to fall foul of section 44(i). Resources Minister Matt Canavan last week stood aside from the ministry, but did not resign from the Senate, after it was revealed that his mother, who is of Italian descent, had registered him as an Italian citizen. Unlike Canavan, Joyce has refused to relinquish the deputy prime ministership, or abstain from voting in parliament. Turnbull has backed his stance.

Today's *Australian* published the names of 50 MPs—nearly a quarter of the total membership of the two houses—whose eligibility is in question, either because they were born overseas or had at least one parent born overseas. The net could be cast ever wider because some countries automatically give citizenship rights to people if one of their grandparents was born in that country.

The level of judicial involvement in potentially disqualifying MPs is already unprecedented. So far this year, four MPs have been removed under various parts

of section 44 of the Constitution. Another four—Joyce, Canavan, Assistant Health Minister David Gillespie (a National Party MP) and One Nation Senator Malcolm Roberts—are facing High Court proceedings and three more narrowly avoided it after facing contempt of court charges.

If Joyce is ruled ineligible, the Coalition could try to hold onto office with the support of one or two independents in the House of Representatives who last year pledged to maintain financial supply and confidence, except in extraordinary circumstances.

Underscoring the depth of the developing political and constitutional crisis, however, Turnbull is reportedly considering asking the governor-general—the British Queen’s representative—to prorogue (suspend) parliament if Joyce is disqualified. By this move, the governor-general’s power would be used to discontinue parliament, without dissolving it, until after the by-election, preventing a vote of no-confidence in the meantime.

It would not be the first time Turnbull had taken this rare step. In April last year he asked Governor-General Sir Peter Cosgrove to prorogue parliament for three days and then summon a new parliamentary session to vote on blocked bills. That provided a trigger for last year’s July 2 double dissolution election of both houses of parliament.

Turnbull called that election in what became a disastrous attempt to break through a parliamentary logjam. Key bills to slash health, education, welfare and other social programs had been stalled in the Senate since the 2013 budget. This was because of the fears of the Labor, Greens and minor party senators that if they voted for the measures they would be committing electoral suicide.

The election backfired badly for Turnbull, who had promised the corporate elite that he would find the means to end the impasse. As a result of the election, the government was reduced to a one-seat majority in the lower house and currently holds just 29 of the 76 seat Senate.

This context helps explain the acuteness of the current turmoil. The possible loss of MPs, even senior ministers, would not be so critical if not for the government’s fragile majority. Moreover, it points to the underlying crisis that has wracked the ruling class and its political servants over the past decade.

Since the landslide defeat of the Howard Coalition government in 2007, no prime minister has lasted a full three-year term. Labor’s drive to impose on the working class the burden of the 2008 global financial breakdown led to the near-defeat of the Gillard government, which staggered on as a minority government, backed by the Greens, from 2010 to 2013. Turnbull ousted his predecessor, Tony Abbott as Liberal leader and prime minister, in September 2015 amid intense frustration in business circles over stalled austerity measures.

Today, the popular hostility to all the major parliamentary parties is even more intense. Millions of working people are already experiencing falling wages, the elimination of full-time jobs and declining basic services, yet much worse lies ahead. The economy is threatened by a potential collapse of a five-year property bubble on top of the implosion of the mining boom. Big business is increasingly insisting that the government must push ahead with cutting social spending and corporate taxes.

At the same time, there is the looming prospect of involvement in a US war with North Korea, which could have devastating human and economic consequences and generate widespread anti-war sentiment. The turmoil over dual citizenship is a symptom of a parliamentary order breaking down under the weight of immense social and class tensions.



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