

Australian High Court citizenship ruling disqualifies five more MPs

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Australia's parliamentary order was thrown into further turmoil yesterday when the country's supreme court imposed a strict new test of sole citizenship to disqualify a Labor senator whose father happened to be born in Britain. Four other members of parliament, facing removal on the same basis, quickly quit their seats.

Just a day after the Liberal-National government handed down the federal budget—the last before a possible early election—the High Court took to a new level a purge of parliament to clear out anyone lacking “unqualified allegiance” to Australia.

The seven judges, who sit atop the judicial arm of the capitalist state apparatus, took their hardest line yet in applying a reactionary provision in the country's 117-year-old constitution. Section 44(i) forbids anyone from standing for election to the federal parliament if they hold, or are entitled to claim, dual citizenship, even if, according to the court, they have no knowledge of that other potential “allegiance.”

The unanimous verdict takes to 15 the number of MPs undemocratically removed on this basis since the middle of last year, in an unprecedented judicial intervention into the political system. Further MPs, including government members, might be challenged following the latest ruling.

In effect, the court is reshaping the political order along nationalist and patriotic lines amid intensifying global geo-strategic tensions and danger of war, particularly between the US, China and Russia. The purge over dual citizenship dovetails with an escalating campaign against “foreign interference” in Australia, a witch-hunt directed primarily against alleged Chinese influence in business, politics and universities.

As soon as the judges disqualified Australian Capital Territory senator Katy Gallagher, her Labor colleagues Susan Lamb, who held the seat of Longman in Queensland, Josh Wilson (Fremantle, Western Australia) and Justine Key (Braddon, Tasmania) resigned, along

with Centre Alliance MP Rebekha Sharkie (Mayo, South Australia). A by-election was already due in Perth, Western Australia after Labor's Tim Hammond quit, citing family reasons. The five by-elections may now be held on a single day in June or July.

No government members are among the latest batch to be ousted, so the Coalition's bare one-seat majority is not directly at stake. Nevertheless, the by-elections could become a test of Prime Minister Malcolm Turnbull's survival, just weeks after his government handed down a pre-election budget on Tuesday.

Equally, the by-elections could determine the future of Labor Party opposition leader Bill Shorten. His leadership is reportedly under question inside his ranks after he rejected moves to refer the four Labor MPs to the High Court last year. Shorten has come under fire in the corporate media for demagogically posturing as an opponent of the government's budget plans for massive tax cuts for companies and high-income recipients.

If the ousted MPs successfully stand for re-election, they will hold the seats only until the next election, which could be held as early as August 4. This extraordinary upheaval, which is further discrediting the political establishment in the eyes of millions of people, can be understood only from the standpoint of an underlying political shift.

The court's ruling is thoroughly anti-democratic, as is the constitution. Because of the increasingly diverse immigrant population of Australia, about half its citizens and their children are now barred from standing for parliament. One of the judges, Justice James Edelman, insisted “there is no absolute right for every citizen to participate in representative government by nomination for and election to the Commonwealth Parliament.”

If citizens can be barred from standing for election for lacking “undivided allegiance” to Australia, what is next? Will the same test be extended to voting rights, or public

service employment, or welfare entitlements, which are already being stripped from newly-arrived migrants?

The judges went even further than their rulings last year, in which they insisted that MPs must owe “sole loyalty” to Australia. They effectively overturned a 26-year-old officially-recognised exception to the citizenship rule. That exemption, which the court itself applied last year in a case involving a government minister, permitted people to nominate for parliament if they had taken “reasonable steps” to renounce their potential citizenship rights in another country.

Yesterday, the judges decreed that the exception applies only if a foreign state “irremediably prevented” a person from renouncing their citizenship or presented an “insurmountable obstacle.” This new rule would probably operate only if another country denied renunciation altogether or if the process involved doing military service or entering a war zone.

This interpretation extends the anti-democratic character of section 44 (i), which proscribes anyone from standing for parliament who has “allegiance, obedience, or adherence to a foreign power” or is “entitled” to the “rights and privileges of a foreign power.” All five MPs removed this week supposedly remained entitled to British citizenship when they nominated for election, even though they had applied for renunciation.

In Gallagher’s case, the judges rejected her argument that by sending off renunciation forms to the British Home Office by April 20, 2016—almost six weeks before she was nominated to become a senator—she took every step within her power to renounce her citizenship. Her renunciation was not registered until August 16, two weeks after she was elected.

The verdict means that anyone contemplating running for election must initiate proceedings months in advance to ensure they have renounced any possible foreign “rights and privileges.”

Significantly, not only did the five MPs go without a whimper, there has been no opposition whatsoever within the political establishment to the reactionary ruling. Instead, Labor leaders, including Shorten, said they respected the High Court’s decision, while the government enthusiastically celebrated it.

Both the Liberal-National and Labor leaderships have refused to support calls for a referendum to remove or modify section 44(i). As for the Greens, they have been the most vociferous champions of the disqualifications since last year, when two of their senators were the first to resign after doubts were raised about their eligibility.

Last year MPs agreed to establish a parliamentary “Citizenship Register,” compelling all MPs to produce documents, going back to the birth of their grandparents, to prove their sole Australian citizenship.

Over the past two years, media-driven “investigations” have vilified political and business figures, Chinese-born Australians and Chinese students studying in the country as a potential fifth column of the Chinese “communist” regime. A recent book by academic Clive Hamilton, a Greens member, accused Beijing of planning to take over Australia, and declared that a US-led war against China could be the only way to prevent it.

Far-reaching “foreign interference” bills are currently being pushed through parliament that effectively will prohibit any political activity linked to an overseas person or entity, and attack free speech, especially anti-war dissent.

As the Socialist Equality Party warned last September: “Under conditions of immense war tensions internationally, tremendous economic uncertainty and rising class antagonisms, [this campaign] is being used to amplify a decades-long effort to divert and disorientate the population through nationalism and xenophobia.

“The demand for unquestioned ‘allegiance’ on the part of the parliamentary servants of the capitalist state is intended as a benchmark for implementation throughout society. Anyone who opposes the policies of the government will be labelled ‘un-Australian,’ a servant of foreign interests, or, under conditions of war, downright treasonous.”



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