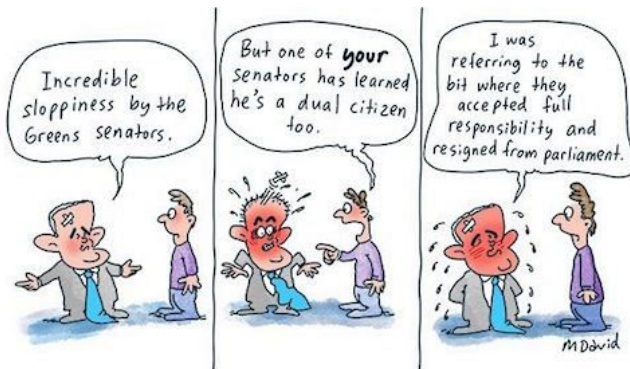


# Disregard for the (s44) rule of law: Time for a complete citizenship audit

By Noely Neate

31 July 2017



**If Government ministers respect the rule of law as they profess to do, they shouldn't have a problem with a full Section 44 audit to determine the citizenship of all Australian Government representatives, says [Noely Neate](#).**

I HAVE TO ADMIT, I am finding the relaxed attitude of many commentators in relation to breaches of [Section 44 \(i\) of the Australian Constitution](#) very puzzling.

So many of these same people were screeching in horror when ACTU Secretary [Sally McManus stated](#) she had no problems with workers breaking "unjust laws".

In fact, "rule of law" became a catch cry for many, particularly on the Conservative side of politics, but there was also screeching from Opposition Leader [Bill Shorten](#) and the ALP for Ms McManus' so-called "disregard of the rule of law".

McManus was talking about *unjust* laws and she gave very good examples as to exactly what she meant.

However, Section 44 (i) of the [Commonwealth of Australia Constitution Act](#) is not unjust.

It simply [states](#) that a person can't be a "candidate" for Federal Parliament if they are in breach of the following:

Any person who:

1. *is under any acknowledgment of allegiance, obedience, or adherence to a foreign power, or is a subject or a citizen or entitled to the rights or privileges of a subject or a citizen of a foreign power;*

There are pretty good reasons for this law and it is not unrealistic to expect that someone who wants to make laws for and decisions on behalf of the Australian public should only have allegiance to Australia.

I know many think this is archaic, but it is the law – like it or not – and must be adhered to.

I admit, I was not happy to see Senator [Larissa Waters](#) and Senator [Scott Ludlam resign](#) due to this law — particularly in the case of Waters, where she honestly believed she had complied. Waters (and her

parents) were under the impression that Canadian citizenship was only an option for her should she choose to apply for it prior to turning 21 and, as she chose not to do so, she believed she was complying with Section 44(i). If her birth in Canada had been only one week later, she would have been correct.

Though I'm unhappy to see this pair leave the Senate, especially Ludlam – as we need his interest and knowledge in privacy and data retention in these days of [government attempting to defy the laws of mathematics](#) to spy on us – the fact is, they were in breach of the law when they stood for the Senate. They were dual citizens. They had to respect the law and resign — and they did! In fact, instead of being scorned by the Government, they should be applauded for having the integrity to do the right thing.

Senator [Matt Canavan](#), on the other hand, is also now in breach of the very same law. Even if we believe his #WarnieDefence and fully accept that his mum not only signed him up for Italian citizenship without his knowledge but also didn't pass on any mail from Italy – such as [three sets of voting forms](#) – over the last decade, it doesn't matter.

The law does not care about ignorance, the law doesn't care if someone else has screwed you over or made a mistake.

As Mr Canavan himself [confirmed](#) when he stood down from cabinet, the Italian Government had told him he was an Italian citizen — hence a dual citizen. How standing down from cabinet until he sorts it out with the High Court is respecting the law is beyond me but, rightly or wrongly, Matt Canavan was a dual citizen at the time of standing to be a candidate for the Senate. He is ineligible to sit in the Senate and vote. Full stop.

Look, I'll be honest, I'm only half cranky about this situation due to respect for the law, but

then, knowing many in the Government may also be dual citizens due to lineage alone, I also think: “take those unintended consequences, suckers!”

This Coalition Government, in particular, has changed so many laws. The odious so-called national security changes alone make all citizens suspects. These laws enable the scooping up of all our data — there are no laws to protect us from abuse of those laws, or from accidental security breaches of our data.

Basically, there was no consideration of unintended consequences that could harm us punters. We are supposed to just cop these changes, which in many cases put us in more danger because we are supposed to just trust the Government and, of course, trust whoever the Government gives that data to. [Well, I don't trust the Government, nor do I trust George Brandis](#) and I'm still angry that both sides of government just squealed “*Keeping Australians safe*”, without a thought for unintended consequences for the public.

Peter Dutton thinks World Domination (insert maniacal laugh)  
[@Jim\\_Pembroke](#)  
<https://t.co/1p0ABVEQdA>  
[@IndependentAus](#)

— Michelle Pini (@vmp9) [July 24, 2017](#)

**Centrelink and the #NotMyDebt fiasco**  
This is the story of a [Centrelink fiasco](#) his High Court fight. [Centrelink](#) may not have been a [Centrelink](#) fiasco. The Government has not cared about dual citizens' good vs. [unintended consequences](#) here for innocent victims being harassed for debts they do not have or may have accidentally incurred. [Minister for Human Services Alan Judge](#) seems to feel that 20% of these people being incorrectly accused is an acceptable attrition rate for clearing up all errors people have made. [Centrelink](#) have a [Centrelink](#) money back into government coffers for the "greater good". The fact that



this 20% outside are honest people, but people, with a different perspective, but he has not promoted the government's judges sympathy supposedly present. <https://t.me/IndependentAustralia>

doesn't care enough if they can follow the rules. He has been the AQNYP. There is the citizenship test for 65M. MPs and Senators who do not have each of Section 44(i) of the Constitution. Parliament and the High Court are the only ones who can take away the citizenship of a whole of government. It is a big Section 44(i), which will be the "greater good" and any other MP caught up in this situation. (i) The bizzare case of Singh with the Singh is legally exempted from the 10% percent of the population. It also affects the separation of sort it out of that self. The Lisa Singh was not the Governor. Her dad was being given the citizenship rules at the time. It is not considered that it is not a part of the constitution. It is not just unbeknownst to the public and do not need to be part of all of overseas citizens. It is not the Constitution to apply to do it?

themselves. I want a full audit of the DFAT files, that can be made available to the nations. I find the audit. Even discussion that is not the did <https://www.diefm.com.au> change the constitution and give on. Thinking that the distribution

I'm pretty low on saying that would be a good result to about the citizenship. If we found the fact that the Cabinet (regardless of the Chinese citizens) should be forced to resign. As I Abiding by Section 44(i) could be made easier by giving them something to take in to take Australia the Governor that does not recognize dual citizenship in the case of this issue. No conferred back at Australia be citizen by a foreign state of government. It is not a candidacy knowledge or action on behalf of that citizen". Easy. Doesn't need to change in the Constitution. ICAO. There is be a dual citizen. It is not a place. rely on to ensure that our government But as it represents carefully audit. As with the case, so MP and Senators should have that compliances for good enough. Even if we state with the assurance which it do not - they themselves imagine to misinform an audit.

And as some registers you have told me before, this comes to changing laws that make us all better. "If you

~~(@randlight)~~  
~~permission~~ You can  
see more cartoons  
from Mark on his  
website [Mark David  
Cartoons](#) or follow  
him on  
Twitter  
[@mdavidcartoons](#).

Homeland  
Security seems  
a lot of effort  
just to keep  
Peter Dutton  
busy  
[https://t.co/qvV  
GE56Yq5](https://t.co/qvVGE56Yq5) via  
[@smh](#) Street  
View

— Mari R  
(@randlight)  
[March 8, 2017](#)