

To the Honourable the Speaker and the members of the House of Representatives.

This petition of a concerned citizen of Australia draws the attention of the house to the monitoring, policing and prosecution of breaches of Section 44 of the Australian Constitution. As things stand at the moment the only way breaches of Section 44 can be prosecuted is for two electors in the seat of a politician who is suspected of fraudulently declaring to the Australian Electoral Commission that they comply with S44 to pay a fee and have the matter heard in the High Court within 40 days of an election being declared.

The Australian Electoral Commission can't ask about non-compliance with S44 and because of this the Australian Federal Police can neither ask about non-compliance nor prosecute for signing false declarations by an MP.

Should it be discovered after that 40 day period that an MP is in parliament in breach of S44 of the Australian Constitution a citizen has no way of having the matter determined other than hoping Ministers or the House will overcome party loyalty and prosecute one of their own in the JSCEM.

I would ask the house to determine which Minister has responsibility for monitoring, policing and prosecution of breaches of Section 44 of the Australian Constitution and which government department, authority or commission will do that outside of the 40 day period mentioned earlier.