

On 17 October 2016 Senator Bob day announced he was resigning from parliament because his private companies had become insolvent.

Was Senator Day insolvent when he signed the declaration on the nomination form or did the insolvency only happen in the few weeks since the election?

Section 44 of the constitution says a person who is an undischarged bankrupt or insolvent is disqualified from being a member of parliament.

As the Australian Electoral Commission can not ask for proof of compliance with the constitution Senator Day may have been insolvent when he signed the nomination form.

Will you ascertain if Senator Day was or was not insolvent when he signed the nomination form?

Will you ascertain when Senator Day became insolvent?

Will you ask that charges of fraud be laid should it be shown he signed a false declaration for the Australian Electoral Commission?

Will you award myself with the Common Informers (Parliamentary Disqualifications) Act 1975 penalty should you find he was disqualified while in parliament.

This again shows the problems with not allowing people outside a candidate's electorate from taking matters to the Court of Disputed Returns. Will the JSCEM consider changing rules to allow voters from anywhere in Australia to take candidates from an electorate to the Court of Disputed Returns?

Will the JSCEM consider allowing the AEC to be allowed to examine and prosecute compliance with S44 of the constitution?

Yours

Tony Magrathea