

QUALIFICATION CHECKLIST

Relating to Section 44 of the Constitution

EXPLANATORY NOTES

The advice below provides guidance on completing the qualification checklist. Key points:

- The completion or otherwise of the checklist is not grounds for rejecting a nomination.
- Candidates may consent to the AEC publishing their checklist on www.aec.gov.au.
- Candidates may also choose to provide additional documentation. The AEC will publish all additional documentation received on www.aec.gov.au, irrespective of whether or not a candidate consents to having their checklist published.
- Prior to submitting additional documentation to the AEC, candidates may redact, omit or delete any information that they do not want published, including the personal information of other individuals whose details may be included in the additional documentation.
- Candidates should not provide original documents, as the AEC is unable to return them. Documents must be provided in hard copy (i.e. no digital media). There is no requirement for copies of documents to be certified.
- No information or document, submitted as additional documentation, will be amended or removed from www.aec.gov.au once it has been published.
- Any information that is published on www.aec.gov.au will remain published until the time period for filing a petition disputing the election under section 355 of the *Commonwealth Electoral Act 1918* has expired.
- Candidates may choose to complete all, part or none of the checklist.
- For each candidate the AEC will publish:
 - whether or not the candidate submitted a checklist, and if they did, if they consented for it to be published; and
 - whether or not the candidate provided additional documentation.

Instructions for using the qualification checklist relating to section 44 of the Constitution

The qualification checklist relating to section 44 of the Constitution (the checklist) forms part of the candidate nomination form. Those seeking to nominate as a candidate may voluntarily complete the checklist to help demonstrate their eligibility to be elected to Parliament under section 44 of the Constitution. Candidates may choose to complete all, part or none of the checklist. The completion or otherwise of the checklist is not grounds for the relevant AEC Returning Officer to reject a nomination under section 172 of the *Commonwealth Electoral Act 1918* (the Electoral Act).

The AEC does not have the authority to determine the eligibility of any candidate on the basis of information provided in the checklist or any additional documentation.

A candidate may provide consent for the AEC to publish their checklist on www.aec.gov.au by signing their checklist where it states 'I agree to the Australian Electoral Commission publishing this checklist in its entirety'. If consent is provided, the candidate's checklist will be published on www.aec.gov.au as soon as practicable after the declaration of nominations. The checklist will remain published until the 40 day period for filing a petition disputing the election under section 355 of the Electoral Act has expired. Where a candidate does not provide consent, the checklist will not be published. Where a nomination is rejected under section 172 of the Electoral Act, the AEC will not publish the checklist or any documents in relation to that nomination.

Instructions for providing additional documentation

Candidates may choose to provide additional documentation to the AEC, together with their nomination form. This provides candidates with an opportunity to further demonstrate their eligibility to be elected to Parliament under section 44 of the Constitution. Candidates should not provide original documents, as the AEC is unable to return them. There is no requirement for copies of documents to be certified.

Any additional documentation received **will be published** on www.aec.gov.au as soon as practicable after the declaration of nominations, irrespective of whether consent has been provided to publish the checklist. Additional documentation will remain published until the period for filing a petition disputing the election under section 355 of the Electoral Act has expired.

Candidates can redact, omit or delete any information on the additional documentation that they do not want published on www.aec.gov.au. This includes consideration of the **personal information of other individuals** whose details may be included in the additional documentation.

It is a candidate's responsibility to carefully examine and redact, omit or delete any information they do not want published on www.aec.gov.au before submitting the additional documentation.

The AEC is required to publish **all** additional documentation exactly as provided. No information or document will be amended or removed from www.aec.gov.au once it has been published. Note that the AEC will not accept additional documentation provided on digital devices, such as DVDs, thumb/USB drives.

Note for each candidate the AEC will publish:

- whether or not the candidate submitted a checklist, and if they did, if they consented for it to be published; and
- whether or not the candidate provided additional documentation.

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Candidate's name

You may fill out this checklist to demonstrate your eligibility to be elected to the Parliament. This nomination paper (including this checklist) is made public under section 176 of the *Commonwealth Electoral Act 1918*.

Information relating to the requirements under section 44 of the Australian Constitution is provided as part of the nomination form. In responding to the questions below, you are encouraged to familiarise yourself with the requirements of the Australian Constitution. Further, if you have any doubts about your eligibility to nominate, or about any of the questions below, you may wish to seek independent legal advice.

1. Are you an Australian citizen by birth?

- Yes ▶ Go to question 2
 No ▶ If 'no', provide the following details:

| | | | |
|------------------|---|-----------------------------------|---|
| Country of Birth | <input type="text"/> | Citizenship at Birth | <input type="text"/> |
| Date of Birth | <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> | Date of Australian naturalisation | <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> |

2. Were any of your parents or grandparents born outside Australia?

- Yes ▶ If 'yes', provide the following details, if known:
 No ▶ Go to question 3

| | | | |
|--------------------|--|--------------------|--|
| Country of Birth | <input type="text"/> | Country of Birth | <input type="text"/> |
| Mother | <input type="text"/> | Father | <input type="text"/> |
| Date/Year of Birth | <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> | Date/Year of Birth | <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> |

| | | | |
|----------------------|--|----------------------|--|
| Country of Birth | <input type="text"/> | Country of Birth | <input type="text"/> |
| Maternal Grandmother | <input type="text"/> | Maternal Grandfather | <input type="text"/> |
| Date/Year of Birth | <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> | Date/Year of Birth | <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> |

| | | | |
|----------------------|--|----------------------|--|
| Country of Birth | <input type="text"/> | Country of Birth | <input type="text"/> |
| Paternal Grandmother | <input type="text"/> | Paternal Grandfather | <input type="text"/> |
| Date/Year of Birth | <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> | Date/Year of Birth | <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> |

3. Was your spouse or any former spouse born outside Australia (if applicable)?

- Yes ▶ If 'yes', provide the following details:
 No ▶ Go to question 4
 NA ▶ Go to question 4

| | | | |
|--------------------|--|---|----------------------|
| Relationship | <input type="text"/> | Country of Birth | <input type="text"/> |
| Date/Year of Birth | <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> | Spouse citizenship status at time of marriage | <input type="text"/> |

Q3 continued overleaf

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Relationship Country of Birth

Date/Year of Birth / / Spouse citizenship status at time of marriage

4. Have you taken any steps to assure yourself that you have not acquired citizenship of another country by descent, marriage or other means?

- Yes ▶ If 'yes', provide details:
 No ▶ Go to question 5

Steps taken to assure yourself you have not acquired citizenship of another country by descent, marriage or other means

[Particulars of, and documents related to, the steps taken to assure yourself may be provided to the Australian Electoral Commission, for publication, as additional information to support your statement]

5. Are you now a subject or citizen of any country other than Australia?

- Yes
 No

6. Have you ever been a subject or citizen of any country other than Australia?

- Yes ▶ See below
 No ▶ Go to question 7

If 'yes', have you renounced or lost that status in accordance with the laws of that country/ies?

- Yes ▶ If 'yes', provide the following details:
 No ▶ See below (*overleaf*)

Country

Method of renunciation or manner in which foreign citizenship was lost

Date / /

[Particulars of, and documents related to, the date and manner in which your citizenship was renounced or was otherwise lost may be provided to the Australian Electoral Commission, for publication, as additional information to support your statement]

Q6 continued overleaf

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If you have not renounced or lost that status in accordance with the laws of that country/ies, is there any reason why you are not disqualified by reason of section 44(i)? (For example, despite your having taken reasonable steps to renounce your citizenship of a country, the laws of the country do not allow you to renounce that citizenship.)

- Yes ▶ If 'yes', provide the following details:
- No ▶ Go to question 7

Basis on which you contend that you are not disqualified by reason of section 44(i)

[Particulars of, and documents related to, your contention that you are not disqualified by reason of section 44(i) may be provided to the Australian Electoral Commission, for publication, as additional information to support your statement]

7. Are you under sentence, or subject to be sentenced, for an offence for which you have been convicted that is punishable under an Australian law by one or more years imprisonment?

- Yes ▶ See below
- No ▶ Go to question 8

If 'yes', is there any reason as to why you are not disqualified by reason of section 44(ii)?

- Yes ▶ If 'yes', provide the following details:
- No ▶ Go to question 8

Basis on which you contend that you are not disqualified by reason of section 44(ii)

[Particulars of, and documents related to, your contention that you are not disqualified by reason of section 44(ii) may be provided to the Australian Electoral Commission, for publication, as additional information to support your statement]

8. Are you currently an undischarged bankrupt or insolvent?

- Yes
- No

Continued overleaf

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9. Do you hold an office of profit under the Crown, other than an office expressly exempt from section 44(iv)? (Offices of profit include, for example, many public service jobs.)

- Yes ▶ If 'yes', provide the following details:
 No ▶ Go to question 10

Details of your office(s) of profit

[Particulars of, and documents related to, your office(s) of profit may be provided to the Australian Electoral Commission, for publication, as additional information to support your statement]

10. Do you have a direct or indirect financial interest in any contract or other agreement with the Commonwealth public service, other than as a member and in common with the other members of an incorporated company consisting of more than twenty-five persons?

- Yes ▶ If 'yes', provide the following details:
 No ▶ Go to question 11

Details of your direct or indirect financial interest(s)

[Particulars of, and documents related to, your direct or indirect financial interest(s) may be provided to the Australian Electoral Commission, for publication, as additional information to support your statement]

11. Are you disqualified for any other reason under the Australian Constitution or the Commonwealth Electoral Act 1918?

- Yes
 No

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The questions above relate to the most common causes of disqualification under the Australian Constitution, and include those most recently considered by the High Court of Australia. This is not comprehensive, and you should, as always, take your own steps to assure yourself that you are not affected by any other legal disqualification.

I confirm the information in the checklist provided above, and any additional information provided in support of my statements, to be true and correct, to the best of my knowledge.

Signature of candidate

Date

 / /

I agree to the Australian Electoral Commission publishing this checklist in its entirety.

Signature of candidate

Date

 / /

Particulars and documents provided as additional information to support your statement are published by the Australian Electoral Commission on its website.

SAMPLE ONLY