

March mini-election on the cards

David Crowe, The Australian, 12:00AM November 9, 2017

Get ready for a March election. Federal parliament is now on course for a verdict from voters early in the new year to make or break the Turnbull government.

This does not mean a general election. Instead, the parliament faces a series of by-elections that are likely to be held on the same day for the same reason: a High Court decision that disqualifies a new batch of politicians.

March 24 is a clear option but the timing could stretch into April or beyond, since the date and scale of this “mini-election” is almost entirely in the hands of the court.

In theory, there may be no by-elections at all. In practice, there is a strong case for several MPs to be referred to the High Court and there is an obvious prospect that some will be disqualified and forced to the ballot box.

This will be very different to a standard by-election, where Australians know they can give the government a belting without bringing the government undone. The stakes will be higher and the campaign will be national. In a plausible scenario, voters will be casting their verdicts on MPs in several states and in electorates that range from cities to the regions. Votes will be cast in the full knowledge they will decide who governs the country.

Talk of a general election, an idea suggested by independent Andrew Wilkie if more than two or three MPs are disqualified, is overblown. There are no grounds for the governor-general to dissolve the House of Representatives. The by-elections must come first.

Only the court can decide who should face the voters. The questions over Liberal MP John Alexander are just the start. There are doubts about Labor MPs such as Susan Lamb and Justine Keay. The experience of the past few months shows media scrutiny does far more to reveal the truth than any assurance from any politician, whether that politician is Malcolm Turnbull or Bill Shorten.

It is too early to assume Labor would win Alexander's seat of Bennelong. It seems impossible for the Coalition to regain Keay's seat of Braddon. The outcome could easily be the status quo if only a few seats are in play.

Labor has 69 of the 150 seats in the lower house and needs more than one or two by-election victories to drive the Coalition from power. Australia could find itself reliving August 2010, when Julia Gillard started with 72 seats and negotiated to form government.

Yesterday's dispute over the deadline for federal MPs is all about the pressure in federal parliament, not the will of the people. Shorten demands MPs produce documents by December 1 while Turnbull suggests three weeks from the date of a motion in parliament, pushing the deadline out to December 18 for the lower house. Turnbull hopes to delay the reckoning until voters are distracted by Christmas. Shorten aims to turn the last week of federal parliament, December 4 to 7, into a crisis over the government's legitimacy.

Shorten has a clear interest in fuelling turmoil but voters should be sceptical about his tactics. The final session of parliament for this year, just eight sitting days from November 27 to December 7, is meant to rule on same-sex marriage. Why put that at risk?

There is no realistic scenario for another by-election this year. The last possible date, Saturday, December 16, can happen only if the High Court rules on a hypothetical MP by the end of this week to allow for the 33 days of the by-election period. Neither Shorten nor Turnbull has a way to get the new doubts settled this year. The High Court rises for the year on December 15 and does not sit again until February 5. It sits in Canberra until February 15. The earliest date for the by-elections would be 33 days from the court ruling.

Whether MPs have one week or three to declare their citizenship means nothing for this ultimate timetable. If the parliament refers more MPs and the court swiftly disqualifies them, the nation is set for a mini-election in March.