

Early byelection test for Shorten after David Feeney quits parliament

Written by Michelle Grattan, Professorial Fellow, University of Canberra

Labor MP David Feeney has pre-empted a High Court decision on his citizenship, quitting parliament and triggering a byelection in the Victorian seat of Batman.

Labor fears it will lose the seat to the Greens in a contest that will be a major distraction for Opposition Leader Bill Shorten in the early part of the year. In 2016, Feeney held Batman against the Greens only 51-49% in two-candidate terms after a big swing against him.

Feeney, whose position was referred to the High Court late last year, confirmed on Thursday that he still could not produce the paperwork to demonstrate he had renounced British citizenship, which he claimed to have done in 2007, ahead of entering the Senate. He won his house seat in 2013.

“I have taken legal advice indicating that the material that has been located to date is insufficient to satisfy the High Court that I did, indeed, renounce my rights ten years ago. I am unable to disprove that I am a dual citizen,” he said in a statement to a news conference in Melbourne, at which he did not take questions.

The court’s deadline for Feeney to produce documents was 4pm Thursday – just an hour after he announced his resignation.

Feeney is not recontesting the seat. “The Labor Party I love deserve a candidate that is able to give the months and the years ahead 150% of their effort, their commitment and their passion. ... I don’t believe I’m able to offer this. That tells me that it’s time for me to stand aside for a Labor candidate that can and will,” he said.

Labor sources have said for weeks that he would not be the candidate in a by-election, believing he would further reduce the chance of holding the seat.

It is speculated that ACTU president Ged Kearney will be Labor’s candidate in the byelection. She had no comment on Thursday. Kearney is already preselected for the seat of Brunswick for

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the Victorian election later this year.

Kearney is left-aligned, and under Victorian factional arrangements Batman goes to the right. But to maximise its chances in the seat, the party needs to put up someone who will appeal to voters inclined to go to the Greens.

The Greens candidate in the byelection, which is likely to be held in March, is Alex Bhathal, a social worker, who has contested the seat several times before.

Greens leader Richard Di Natale told a news conference: "It stinks that [Feeney] has decided to resign right now. What has changed between the parliamentary year last year and his decision to resign at this time?"

"Here we have David Feeney, who has known all along he hasn't got the paperwork to demonstrate he did the right thing to make sure he's not a dual citizen, sit on that, receive a salary. And now at a minute to midnight as he's about to have to argue his case in court, he resigns."

Di Natale said issues in the byelection would include the proposed Adani coal mine in Queensland, refugees, electoral and donation reform, and climate change.

He predicted a Labor shift on the Adani mine. "Expect to see a backflip coming soon because they know the electors of Batman don't want to see that mine being built." This week Shorten was cool on Adani when questioned at the National Press Club.

The Liberals are not planning to run in the seat.

Shorten said in a statement that Feeney's "decision is the right one and spares the valuable time and resources of the High Court".

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“Labor will put forward a strong candidate at the upcoming Batman byelection, who’ll stand up for the things that matter to Australians: protecting penalty rates and local jobs, protecting Medicare and schools, keeping taxes lower for ordinary people, and building a strong economy that delivers for all,” Shorten said.

** Update: ** Late on Thursday afternoon, Shorten was having talks with Kearney in his office.

Michelle Grattan does not work for, consult, own shares in or receive funding from any company or organization that would benefit from this article, and has disclosed no relevant affiliations beyond their academic appointment.

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