

# Why sacked MPs won't repay their salaries

Despite a revolving door in the Senate and a queue of parliamentarians who lost their cushy jobs, none of them is likely to repay the salaries and perks wrongly paid them.

They breached the constitution (which has been around since 1901) when not even eligible to run for the job in the first place.

By an unspoken convention, government of the day almost always waives the debt on request -- despite the Constitution, the law and precedent that recipients of social welfare must give back any overpayments made to them – even if not their fault.

The average backbencher earns over \$200,000, before their fringe benefits and superannuation.

When a member or senator is disqualified, the Finance Department will calculate how much they have earned over their parliamentary career, and ask them to repay it.

## WRONG SNOOTS IN THE PUBLIC TROUGH

Back in 1907, the High Court ruled that any votes made by MPs on legislation will still stand, even after a member is removed from parliament.

So a disqualified member's service is still recognised -- even if they were not supposed to be there, they were still doing their job, it is argued.

As claimed by the special minister of state then, Scott Ryan, when dealing with [disqualified Family First senator Bob Day](#), it would be unfair for the Commonwealth to go after the debt when the ineligible MPs had performed their duties "in good faith" – despite knowing beforehand the eligibility restrictions.

But how is it fair when taxpayers are forced to repay welfare debts all the time? With so many MPs ensnared in the crisis, and possibly more to come, the government could in theory claim back millions of dollars in salaries.

The Commonwealth argues that it has not spent any more money than it otherwise would have. Whoever filled that Lower House seat or Senate spot would have been paid a salary with entitlements and superannuation, so it is budget-neutral.

But the argument ignores that the wrong people got the money, because the wrong snouts were in the public trough.

Legitimate MPs and senators clearly turned a blind eye when their party colleagues breached the law when they stood for pre-selection and then for election.

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