

Review into the Australian Citizenship Amendment (Strengthening the Citizenship Loss Provisions) Bill 2018.

Dear Madam/Sir

Thank you for the opportunity to make a submission to the Inquiry. I appreciate that participation in democracy is one of the great freedoms provided by Australian citizenship. It is a privilege that I think can be taken for granted by those who choose to flout Australian values and laws.

I support the Minister's comments in his [second reading speech](#): 'Australian citizenship is a privilege—one that carries expectations of those who hold it. One such expectation is that Australian citizens uphold Australian values and beliefs. Engaging in behaviour with the intent of harming members of our community—both within Australia and offshore—is in clear opposition to those values. Individuals that are convicted of terrorism offences have demonstrated a complete rejection of their allegiance to Australia.'

However, the same is true of individuals convicted of any criminal offences, not just terrorism. Anyone who harms another or takes an Australian life should, to be consistent, face the same penalties. It is absurd to strip the citizenship of someone who has never harmed an Australian, and may never do so, yet leave intact those who have in the grossest ways violated core Australian values. This Act is a piece of political populism rather than mature lawmaking based on consistent principles intended to reduce the harm to Australian society. Any amendment should demonstrate how well the Act has been working, and how the amendments would address weaknesses. Has the act been effective in enhancing Australia's security from terrorism? The details quoted by the Minister (see below) suggests that it hasn't been very effective. What reduction in terrorist acts is expected from the amendments?

Removal of requirement to be sentenced to 6 or more years of imprisonment for a relevant terrorism offence to be eligible to lose their Australian citizenship

Convicted terrorists who are Australian citizens, whether through birth or taking up of citizenship, are treated quite differently depending on whether, as with recent cases of many politicians before the High Court, their parents may have not formally renounced other citizenships. Treating our citizens differently before the law is inherently inequitable. However, the current Act already supports this inconsistency.

The Minister notes that 'the threat of terrorism is, sadly, very real. Since the threat level was raised to 'probable' in 2014, our police and security agencies have successfully disrupted 15 terrorist attacks. Sadly, we have also witnessed seven attacks on Australian soil, resulting in injury and death.' Missing from his discussion is how many of the attacks led to the conviction of those with dual nationality. The Minister claims that this Bill will be an 'important tool in our armoury'. Exactly how

many offenders will this Bill address? What evidence, based on what research and data, supports the assertion that this Bill would provide the 'necessary deterrence' for terrorists who hold Australian citizenship from committing their acts? The Minister claims that this Bill will be an 'important tool in our armoury' but does not explore the impact of the change – why does he believe this, rather than just assert it? How exactly will the amendment 'keep Australians safe' and ameliorate the 'genuine threat' posed by terrorists? The outcome must be much more substantial than a Minister being seen to 'do something' by setting the bar for removing citizenship much lower.

Ministerial discretion to determine whether someone is stateless

I strongly oppose the proposal to enable the Minister to make a determination as to whether someone would be stateless if their Australian citizenship were revoked. As was so amply demonstrated in the MP dual citizenship cases in the last year or two, acting on legal advice is a very poor indicator of the actual law as determined by a court. The citizenship furore also showed how many politicians acted fervently in protecting their own interests rather than transparently upholding the law. Ministers are prone to political pressure, populism and personal whim, and could strip citizenship unfairly just as they could approve visas for the au pairs of friends. Determination of statelessness should be determined by a body set up to make such judgements, such as a tribunal. Implementation of a law should be free from the influence of those who make the law.

Yours sincerely
Janine Truter