



Committee recommends passage of Citizenship Bill

The Parliamentary Joint Committee on Intelligence and Security has today presented its bipartisan report on the Australian Citizenship Amendment (Allegiance to Australia) Bill 2015.

The Bill would allow Australian citizenship to be stripped from dual nationals who, in repudiation of their allegiance to Australia, engage in terrorism-related conduct.

The Committee has made a number of recommendations to narrow the scope of its application and to improve safeguards, oversight and accountability mechanisms. Subject to these recommendations, the Committee supports the Bill's passage through the Parliament.

The Committee's recommendations include:

- Limiting the conduct-based provisions for loss of citizenship (proposed sections 33AA and 35) to conduct occurring outside Australia, or to conduct in Australia where the person involved has fled overseas before being charged and brought to trial;
- For the conduct-based provisions, requiring the Minister to take into account issues including public interest factors, international obligations, whether a prosecution is underway and whether the individual would be able to access citizenship rights in their other country;
- For the conviction-based provisions (proposed section 35A), requiring the Minister to make a positive decision that a person's citizenship should be lost, taking into account allegiance and public interest factors.
- Removing from the conviction-based provisions the offence for 'Destroying or damaging Commonwealth property' and a number of other offences that carry a maximum penalty of less than 10 years' imprisonment or have never been used;
- Limiting the conviction-based provisions to persons given sentences of at least six years' imprisonment;
- Proposing that section 33AA and 35 do not apply to conduct by a child aged under 14 years;
- A series of other measures to improve safeguards and provide greater accountability.

The Committee has also recommended that the Bill's conviction-based provisions be applied retrospectively to convictions where sentences of ten years or more have been handed down by a court.

The Chair of the Committee, Mr Dan Tehan MP, said he was pleased to be able to present a bipartisan report on the Bill. "The Committee has produced a report that acknowledges and responds to the issues raised by participants in the inquiry, while maintaining the Bill's effectiveness in protecting the Australian community from threats posed by dual nationals who intend to do us harm," Mr Tehan said.

"With 120 Australians currently fighting overseas and an increased security threat in Australia, our police and security agencies need every legislative instrument to combat the threat of terrorism.

"I would like to thank the Deputy Chair, Anthony Byrne, and other members of the committee for their hard work in ensuring that we have reached a bipartisan outcome.

"The Committee concluded that it is necessary to support our national security and law enforcement capabilities, while maintaining appropriate limits, safeguards and oversight mechanisms," Mr Tehan said.

The report includes a total of 27 recommendations. During its inquiry, the Committee received more than 40 written submissions and conducted three public hearings with a broad range of legal groups, academics, other non-government organisations and government agencies.

The full report can be accessed via the Committee's website at <http://www.aph.gov.au/pjcis>.

For media comment, please contact the Office of the Chair, Dan Tehan MP, on (02) 6277 4393 (Parliament House) or 03 5572 1100 (Electorate).

For inquiry information, please contact the Committee Secretariat on 02 6277 2360 or email citizenship.reps@aph.gov.au.