

To: Committee Secretary
Senate Legal and Constitutional Committee
Department of the Senate
Parliament House
Canberra ACT 2600
AUSTRALIA

Dear Sir,

Thank you for providing me with the opportunity to comment on the Australian Citizenship Bill 2005 (the Bill).

I am an Australian citizen.

I believe that on the whole, this is an excellent piece of legislation. It will reform Australia's citizenship laws for the 21st century and should serve most within the Australian community well, whether they make their homes within Australia or abroad. I am pleased that almost all of the disadvantages Australian expatriates currently experience under the present Citizenship Act have been addressed in this Bill.

I am very concerned that the Bill does not include children born to Section 18 victims after their renunciation. This impacts in particular approximately 3000 young people in Malta. Normally, children born outside Australia to an Australian-born parent can be registered as Australian citizens by descent. These children should be brought within the ambit of the Bill. I am in agreement with all the reasons advanced by the Southern Cross Group for their inclusion. Children born to both Section 17 and Section 18 individuals are simply the innocent victims of laws that existed to prohibit dual citizenship, crafted at a time when the world was not the global village it is today.

I welcome the fact that individuals born overseas to Section 17 victims after their loss of citizenship will be given the opportunity to apply for Australian citizenship, and will only have to demonstrate that they are of good character. As stated above, I believe individuals born to Section 18 victims should receive the same treatment.

I welcome the fact that under the Bill, individuals who lost their citizenship under Sections 17, 18, 20 and 23 will be provided with a simplified route to resumption, and will only have to demonstrate that they are of good character.

I welcome the fact that many overseas-born people who missed out on registration as citizens by descent for various reasons even though they had an Australian-born parent at the time of their birth, will now be given an opportunity to apply for registration as Australian citizens by descent.

I welcome the fact that provision has been made in clause 22(9) of the Bill to provide improved access to Australian citizenship for the non-Australian spouses of Australian citizens where the couple resides abroad. I note that the non-Australian spouse must be an Australian permanent resident, but that he or she need not fulfil the normal requirements for presence in Australia prior to applying for citizenship. I would like to better understand what factors will be relevant in satisfying the Minister that such non-Australian spouses have 'had a close and continuing association with Australia'.

I question whether it is appropriate for the Bill to provide for the loss of Australian citizenship of the minor children of adults who renounce citizenship in the future. I would ask the Committee to consider deleting clause 36 from the Bill in its entirety. Canada, the UK, Ireland and New Zealand, in their citizenship laws, do not allow a minor child's citizenship to be revoked due to

their parent's renunciation of citizenship. Minor children should not be the unwitting victims of their parent's citizenship decisions.

I do not believe that minors should be allowed to renounce their Australian citizenship under the Bill in their own right. In other countries, such as Canada, the UK, Ireland and New Zealand, it is simply impossible for a minor to renounce their citizenship. This protects young people from making hasty or rash decisions that could negatively impact their whole future at an age when they are not in a position to fully assess their ramifications.

The Government's repeal of Section 17 in 2002 was a watershed in that it signalled that Australia as a nation was finally ready to embrace dual citizenship for all its citizens. This new Bill, in a broad sense, is about putting old wrongs right. It is about inclusion into the Australian family, rather than exclusion. This legislation is important and we should take the time to get it right in every respect.

Yours faithfully,