



PARLIAMENT OF AUSTRALIA • THE SENATE

**ANNETTE HURLEY**

*Labor Senator for South Australia*

*Shadow Minister for Citizenship and Multicultural Affairs*

Ms Anne MacGregor  
Co-founder  
Southern Cross Group  
17 Avenue Charles Gilisquet  
1030 Brussels  
BELGIUM

20 January 2006

Dear Anne,

I write concerning the *Australian Citizenship Bill 2005* ("the Bill"), tabled in the House of Representatives on 9 November 2005. The Bill addresses a wide range of shortcomings in Australia's present citizenship legislation and will allow many people of Australian heritage who are not currently Australian citizens to access citizenship.

In particular, the Bill addresses the plight of many Australian-born Maltese people who renounced their Australian citizenship under section 18 of the *Australian Citizenship Act 1948* ("the Act"). At present, these individuals are unable to resume their Australian citizenship under section 23AA of the Act, because they were deemed to have "retained" their existing Maltese citizenship rather than to have "acquired" a foreign citizenship. In addition, many affected Maltese are now aged 25 or older, so they cannot avail themselves of resumption via section 23AB of the Act, introduced in 2002. I note that the Bill will allow all these individuals to resume their Australian citizenship. However, children born overseas to these people after they renounced their Australian citizenship are not provided with access to Australian citizenship under the Bill as tabled by the Government.

The Senate's Legal & Constitutional References Committee in its March 2005 report in the Inquiry into Australian Expatriates states that Australian citizenship should be more inclusive and children of people who renounced their citizenship under section 18 should also be eligible for Australian citizenship.

Having considered in detail representations by the Southern Cross Group and many affected families in Malta on this issue, as well as from the Maltese community in Australia and others, I am firmly of the view that the Bill should be amended to give overseas-born children of former Australians who renounced their citizenship under section 18 the same citizenship privileges as children of former Australians who lost their citizenship under section 17 of the Act.

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The Australian Labor Party ("ALP") supports your campaign for Australian citizenship for children of former Australian citizens who renounced their citizenship under section 18 of the Act. Current ALP policy on citizenship states that we will streamline citizenship resumption arrangements for those who lost citizenship as a result of previous provisions designed to prevent dual citizenship in both Australian and Maltese law. This extends to making provision for their overseas-born children.

Clause 21 of the Bill states:

*Person born to former Australian citizen*

- (6) A person is eligible to become an Australian citizen if the Minister is satisfied that:
- (a) the person was born outside Australia; and
  - (b) a parent of the person was not an Australian citizen at the time of the person's birth; and
  - (c) the parent had ceased to be an Australian citizen under section 17 of the old Act (about dual citizenship) before that time; and
  - (d) the person is of good character at the time of the Minister's decision on the application.

I am pleased to inform you that the ALP will be proposing an amendment in both the House and the Senate when the Bill is debated in Parliament in the coming months, in the following terms:

Clause 21, page 18 (line 2), after "17", insert "or 18".

I have been receiving significant correspondence from both within Australia and overseas concerning this aspect of the Bill. It is my sincere hope that the above amendment will be adopted as part of Australia's new citizenship legislation. I wish the Southern Cross Group and all those striving to achieve this reform well in their endeavour.

Kind regards,

  
Annette Hurley

