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10 November 2022

Committee Secretary  
Senate Legal and Constitutional Affairs Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600

Dear Committee Secretary

**Clarification of evidence – Estimates hearing on 7 November 2022**

I am writing to clarify an aspect of the evidence I gave to the Senate Standing Committee on Legal and Constitutional Affairs during the Estimates Hearing on 7 November 2022.

In answer to a question from Senator Shoebridge about the number of matters in which AGS has been instructed relating to section 36B of the *Australian Citizenship Act 2007*, I said:

“I’m aware of several but I couldn’t, at the moment, without checking our records, be more precise than that.”


In answer to another question from Senator Shoebridge about whether there have been any fresh applications in challenging powers under section 36B of the *Australian Citizenship Act 2007* since the *Alexander* case, I said:

“Yes, there have been at least a couple .....I’m not trying to be precise; I’m just aware of two or three. I would have to check the precise numbers.”

I now realise that the matters and fresh applications I had in mind when answering the questions from Senator Shoebridge were in fact matters where the applicant has, in reliance on the High Court’s decision in *Alexander v Minister for Home Affairs* [2022] HCA 19, challenged the validity of section 34(2)(b)(ii) of the *Australian Citizenship Act 2007* or section 36D of the *Australian Citizenship Act 2007*, which sections relate to the revocation or cessation of a person’s Australian citizenship.

Please let me know if you require further information.

Yours sincerely

**Michael Kingston**   
Australian Government Solicitor