

MINORITY REPORT FROM THE AUSTRALIAN LABOR PARTY

1.1 In chapter 2 of the draft report of the committee responsible for the inquiry into the provisions of the Australian Citizenship Bill, it is stated that one of the main aims of the new Bill is to increase access to citizenship by simplifying provisions and changing the rules relating to citizenship by descent and resumption of renounced citizenship. This point has been emphasised through out the deliberation process of making changes to the old citizenship Act 1948.

1.2 Labor supports the inclusion of Maltese children in resumption of Australian citizenship by conferral and being of good character. Labor believes that excluding children of former Australian citizens who renounced citizenship under section 18 contradicts the purpose of the Bill which according to the draft report in page 8 states that, subsection 29(2) of the new Citizenship Bill provides that a person may be eligible to apply for resumption of citizenship if he or she previously renounced citizenship in order to

- acquire or retain the nationality or citizenship of a foreign country to avoid suffering significant hardship or detriment; or
- where the person is a child of a responsible parents who renounced citizenship.

1.3 Thus disregard for the inclusion of Maltese children in the New Citizenship Act defeats the purpose of the new bill which is intended to encourage taking up of Australian citizenship.

1.4 Submissions from the Southern Cross Group also demonstrate an interest in wanting to belong to Australia. Statement made by the last three former ministers of citizenship has supported inclusion of Maltese who lost their Australian citizenship at a time when they have not much choice.

1.5 In a speech to the Sydney institute Wednesday 7 July 2004 in relation to the Maltese issue the Hon Gary Hardgrave states that “the Australian government has reconsidered this issue and decided that the principles underlying the resumption provisions should apply equally, regardless of whether the purpose of renunciation was to acquire or retain another citizenship and regardless of a persons age. The government will amend the act accordingly and include a requirement that the person be of good character”.

1.6 Prof Rubenstein's contribution in the Canberra hearing also reinforces the point by stating that "I think there were very strong arguments that we heard earlier about the reasons that someone would have to renounce that may not be that dissimilar from having acquired dual citizenship and so forth. So I think there are strong policy arguments to say that they (children under section 18) should be treated the same way'.

Recommendation 1

1.7 The committee recommends that children of former Australian Citizens who lost their citizenship under S.18 should be permitted to apply for citizenship by Conferral.

Senator Annette Hurley

Australian Labor Party