

Committee Secretary

Senate Legal and Constitutional Committee,
Department of the Senate,
Parliament House
Canberra A.C.T. 2600
AUSTRALIA

Dear Sir,

I am a citizen of Australia as well as, since 2002, Sweden. I live in Sweden and I have been a volunteer with The Southern Cross Group for a number of years. Thank you for giving me the opportunity to comment on the Australian Citizenship Bill 2005. Firstly, I would like to congratulate the Minister on an excellent piece of legislation and I wish the Committee all the very best in their important work.

On the whole, this long awaited legislation is good and will go a long way in rectifying the injustices and disadvantages which have plagued and prayed on the minds of Australian expatriates during the last half century. The repeal in 2002 of section 17 of the Australian Citizenship Act 1948 (from which I personally benefited greatly) was a landmark decision which brought Australia much closer to the 21st. century in terms of treatment of its own citizens. With the improvements the Minister proposes our citizenship laws will be improved greatly, and I respectfully request that consideration be given to making this legislation even better: I feel that it can be improved.

I am most disappointed that the Bill does not include children born to Section 18 victims after their renunciation. To my mind it divides Australians into different groups, which is of course contrary to the wishes of most Australians and indeed the spirit of this legislation. The Southern Cross Group estimates that 3,000 young people in Malta would be disadvantaged, as would of course Australia as a whole. 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. 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, at a time when Australian Aboriginals did not have the right to vote, at a time when the White Australia policy dictated immigration policy.

I consider it highly inappropriate for the Bill to provide for the loss of Australian citizenship of the minor children of adults who renounce citizenship in the future. I urge the Committee to give serious consideration to deleting clause 36 from the Bill in its entirety. Please, let us not "Visit the Sins of the Fathers on the Children". Australian Citizenship should be cherished and given great value. To allow children to lose their right to citizenship under such circumstances, circumstances over which they have no control, would be horrid, not to mention illogical. I feel that Australian Citizenship would be devalued by allowing such a provision.

Furthermore, minors should under no circumstances be allowed to renounce their Australian citizenship. Minors don't have the right to vote as they are deemed to not have the ability to make such an informed decision on such an important matter. Surely renunciation of citizenship must be considered as important an act? Again, I feel that this is something which would devalue Australian Citizenship if allowed. I therefore suggest that provision for a minor to renounce citizenship not be made in The Bill.

I ask the Committee to consider the plight of British subjects who migrated to Australia as children post-war from the UK and other Commonwealth countries. Many of them spent substantial periods of time in Australia in their formative years, and many were not aware of the need to make an application for Australian citizenship (for which they were eligible). Some have since left Australia, many believing that when they left, they were Australian citizens, although they were not. These people presently have no entitlement to Australian citizenship because they have lost their Australian permanent residency status, having been away from Australia for a certain period. This issue has not been addressed by the Bill.

I ask the Committee to look at providing access to Australian citizenship for all people who are now adults born overseas and adopted overseas by Australian citizens under the law of a foreign country. With approximately one million Australians living abroad, it stands to reason that a significant number of Australian families have already or will in the future adopt children born overseas under the laws of their countries of residence. I know personally of one such couple. In 2003, the then Minister for Citizenship, Gary Hardgrave MP, wrote to one Australian adoptive mother living in the UK: "your situation is one which I have firmly in my gaze should there be a change to the Act". I am sure that there are a number of concerned Australian Mums and Dads who now have this legislation firmly in their gaze. A discretion allowing the Minister to register such adopted adults as Australian citizens would be most welcome. It would make the legislation more complete.

Again, thank you for letting me give my views. I will be following this legislation's progress with interest.

Yours Faithfully,

John Griffin
SWEDEN
15 January 2006