Mrs Janet Lyn Magnin,
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FRANCE

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 this opportunity to comment on the Australian Citizenship Bill 2005. I am writing as someone who was directly, personally affected by the Australian Citizenship Act 1948 and as the mother of two children who were also affected by this law.

First, allow me to congratulate the developers of the new Australian Citizenship Bill 2005 for having included many of the positive changes that I and many others like myself have requested over the past few years. The new Bill is a major step forward for those of us who, for one reason or another, have made our homes abroad, and represents a major modernization and simplification of Australia's citizenship laws for the 21st century.

I was an Australian citizen by birth and am now Australian by resumption after losing my Australian citizenship under the old Section 17 of the 1948 Act by taking French citizenship for professional reasons through my marriage to a French citizen. Because of the timing of my taking French citizenship, my two children found themselves in different situations, one with resumed Australian citizenship by descent and the other with no eligibility for Australian citizenship at all, as she was born during the short period when I was technically not Australian. However, in October 2003, she was able to benefit from the then Citizenship Minister Gary Hardgrave's "change of policy" regarding such children, and was granted Australian citizenship in May 2004.

I am therefore extremely happy for all those thousands of other "victims" of Section 17 around the world who will soon be able to resume their Australian citizenship under the new Bill, both for themselves and for their children. I am especially happy for all those children like my daughter who were previously unable to claim their Australian heritage through an accident of timing of their birth who will soon be able to join the Australian family. They will bring a wealth of experience and contacts to the benefit of Australia for many years to come.

However, I am extremely upset that you have not seen fit to include in the new Bill the children of "victims" of Section 18, alongside the "Section 17" children, even though you have rightfully extended resumption to their parents. As a person who has herself felt the apparent injustice of the child having to "pay" for the action of the parent, (as this was how I felt after my resumption until my daughter was granted citizenship), I ask you most strongly to reconsider the situation of these children under the new Bill. Any difference between these children and the children of Section 17 victims does not derive from Australian law, either old or new, but from the laws of the other country concerned, as not all countries require

renunciation of current citizenships. What is even more strikingly unfair is, in the case of Malta, the particular law requiring renunciation no longer exists! Renunciation of the other citizenship has not been required there since February 2000. Thus, when the new Australian law comes into force and many of those who renounced in the past will joyfully resume their Australian citizenship, their future children will be Australian by descent, and only their children born before their resumption will still be "out in the cold". This is terribly unfair on these children, who have in many cases been brought up with a love of Australia. I cannot emphasize strongly enough the enormous amount of goodwill you will create in these families by including these children, even though many are still too young yet to fully understand the implications. Speaking personally again, I cannot adequately convey to you the absolute delight felt by my daughter when she "officially" became Australian. She had never quite understood why her brother was both French and Australian and she was only French. Since our citizenship problems have been resolved, we have returned to Australia as a family of four (flying Qantas) for a five-week trip, including touring the Centre and the North, (ie spending tourist dollars, not just visiting family and friends). Although they are still young, our children are very proud to be Australian. With a foot in two countries, they will be well-placed to provide benefits in both directions in the future. The Section 18 children are, I believe, no different.

However, I do have one more personal concern and that is with citizenship by descent. It is very good that the new Bill removes the age limit for registration for citizenship by descent, as I'm sure there are several thousands of "lost" Australians around the world through ignorance of the old requirement to be registered in childhood. However, I have a problem with the concept of "citizenship by descent" being not quite full citizenship until a period of time is spent in Australia, in particular in order to pass on one's citizenship to one's children. I do understand the Minister's fear that generations of "Australians" who have never set foot in Australia may be created if this requirement was removed, but today, connection with Australia does not depend only on one's physical presence in the country. I do believe that registration should still be required, and that perhaps a "reaffirmation" requirement could be introduced at age 18 for example, but I feel quite strongly that two years is in fact a very long period for a young person to "take out" at a critical time in their life. Not all countries tolerate the idea of a "gap" year or two, either before, during or after further studies, not all careers are easily transferable to Australia, not everybody can take a whole year or two "off" before having children. At the same time, information about this requirement is not always provided to parents when registering their child, so many don't even know about it until it is too late. I would ask you to seriously consider substantially reducing or even removing entirely this residency requirement that makes citizenship by descent a sort of second-class citizenship. Again, you would create an enormous amount of goodwill around the world that would have great benefits to Australia.

I would like to acknowledge here my membership of the Southern Cross Group, with whom I have actively worked as a volunteer since February 2001, and without whose activities, many of the changes proposed in the Bill would not have been possible. I would like to add my voice to those expressed by the Group concerning the other points lacking in the new Bill regarding loss or renunciation of citizenship by minors (that this should not be possible), about the situation of British former children migrants who have lost their entitlement to Australian citizenship (that they should be entitled to special consideration) and access to Australian citizenship by adults adopted abroad.

With respect, I would suggest that, because parliamentarians cannot by law be dual citizens, it is difficult for you to feel personally how these laws affect ordinary people living around the world in "mixed" situations. I sincerely thank you for the opportunity for us who are living with the consequences of this legislation to try to help you see the human effects of the laws you are making.

Yours faithfully,
Janet Magnin