

Real Time Agents Inc

The Right Knowledge at the Right Time

16 January 2006

Committee Secretary
Senate Legal and Constitutional Committee
Department of the Senate
Parliament House
Canberra ACT 2600
AUSTRALIA

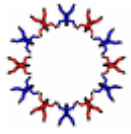
Dear Sir or Madam:

This submission is in reference to the Inquiry into the provisions of the Australian Citizenship Bill 2005 and the Australian Citizenship (Transitionals and Consequentials) Bill 2005.

I am an Australian citizen living in, and a permanent resident of, the United States. I am not, to the best of my knowledge, personally affected by any of the changes in the Bill. However, I am writing primarily in support of those Australian citizens, especially those living in Malta, who renounced Australian citizenship under Section 18 of the Australian Citizenship Act 1948 (the "Old Act"). It is my understanding that, under the proposed legislation, former Australian citizens who renounced Australian citizenship under Section 18 of the Old Act, for the purpose of acquiring or retaining a foreign citizenship, will now be eligible to apply to resume Australian citizenship. This is a positive development for which I commend the Committee.

Unfortunately, however, the resumption provisions do not go far enough. In particular, any children born outside Australia during the time period when the parent was not an Australian citizen will not be eligible for Australian citizenship by descent. This especially affects about 3,000 former Australian citizens living in Malta. Prior to 10 February 2000, Maltese law forbade dual citizenship for adults and required dual citizens to make a heartbreaking decision at the age of 18: to either formally renounce Australian citizenship or lose all privileges of Maltese citizenship. Many of these were young people who had been born in Australia to Maltese parents, and whose families had subsequently returned to Malta. Many of these young people found that their hearts were still in Australia but, at the age of just 18, had not established sufficiently independent lives to return to Australia. So they were forced to make the heartbreaking decision to renounce Australian citizenship.

Now, these former Australian citizens will be able to resume Australian citizenship. However, their children, born during the time when they were not Australian citizens, will be ineligible for Australian citizenship. This significantly dampens the joy of resuming Australian citizenship for these parents, since although they will legally be Australian citizens again, their children will not be, making a return to Australia for the family difficult or impossible. I therefore strongly urge the Committee to take the next



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step, and also include in the Bill provisions for all children, regardless of when they were born, of former Australian citizens who lost Australian citizenship under Section 18 of the Old Act and resume Australian citizenship, to also be able to access Australian citizenship.

When I was growing up in Canada, I had, and still have, dual Australian-Canadian citizenship. I recall that the prospect of needing to renounce one citizenship or the other was quite distressing to me, and I was quite relieved when I learned that neither Australia nor Canada required an act of renunciation for someone who had enjoyed dual citizenship from birth. Maltese law seems to have been harsher in this regard and to have forced young people to make a very difficult decision. Now that Maltese law has changed, and Australian law is about to change, it is time to fully integrate these former Australian citizens and their children back into the Australian family.

I also do not feel that the Australian citizenship status of minor children should be affected by a parent's decision to renounce Australian citizenship. Prior to 1977, Canada had a provision where minor children could lose Canadian citizenship when their parent renounced Canadian citizenship. Canada wisely abandoned this provision in 1977; I would strongly advise the Committee to do the same with regard to Australian citizenship law.

As an Australian citizen living in the USA, I also note in passing that the Committee happens to have chosen a US national holiday for the submission deadline for this inquiry: 16 January 2006, the birthday of Dr. Martin Luther King, Jr. I strongly urge the Committee to make its decisions in this matter in the spirit of inclusion for which Dr. King worked so hard.

Thanks in advance for your consideration of this submission. Should you have any questions about this submission, my contact information is provided below.

Best Regards,

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