



20 February 2004

The Secretariat
Senate Legal and Constitutional Committee
Room S1.61
Parliament House
Canberra ACT 2600
Australia

Dear Sir/Madam

Inquiry into Australian Expatriates

First of all, I would like to welcome this inquiry as well as the recent action by the Australian Parliament to repeal Section 17 of the Citizenship Act. These are important developments for overseas Australians. But more can and should be done to maintain the bonds between Australians wherever they may be located and to correct some injustices. I outline some of these points in this submission.

I am an Australian-born Australian of two Australian-born parents. I left Australia in 1988 for a 12-month working holiday in Europe and am still away. Today, I work with people from a range of nationalities. Everyday, I am seen by these people as an Australian bringing Australian values and an Australian perspective to our work. Yet, the combined impact of a range of policies and practices adopted by Australia have made me wonder whether, from an Australian perspective, people like me are still welcome members of Australia's dynamic, diverse and increasingly mobile society. I have also noticed that many of these policies and practices are out of line with those adopted by other comparable countries.

Voting

The Australian Parliament can pass laws that have a dramatic impact on the lives of overseas Australians, such as the repealing of article 17. Information published by the Australian government lists the right to vote as a fundamental right of Australian citizenship (see, for example, DIMA's Citizen Fact Sheet No. 2 "About Australian Citizenship"). Yet it is the Australian government that denies this right to many Australians. I have been disenfranchised for around 15 years. I felt my disenfranchisement most acutely at the time of the 1999 referendum on an Australian republic. The perverse result of Australia's current policies was driven home to me when I subsequently discovered that an Irish colleague was eligible to vote in this referendum and so contribute to determining the future direction of my country. This person had worked in Australia for a few years only and had taken out Australian nationality before returning to live in Europe.

In line with practices adopted in many comparable countries, overseas Australians should be able to vote in national elections and referenda.

Nationality

Information published by the Australian government lists the right to register children as Australian citizens by descent as a fundamental right of Australian citizenship (see, for example, DIMA's Citizen Fact Sheet No. 2 "About Australian Citizenship"). Yet it is the Australian government that denies this right to many Australians. My two overseas-born Australian sons will only be able to pass on their Australian nationality to their children if they have been lawfully present in Australia for a period or periods totalling at least 2 years at some time in their lives. My sons are consequently second class Australian citizens.

In line with practices adopted in many comparable countries, the rights and obligations of Australian citizens should be identical no matter how their citizenship was acquired, particularly in relation to passing on Australian nationality to children.

After a qualifying period, my wife can pass her nationality on to me but I cannot pass my Australian nationality on to her, despite the fact that she is also the mother of two Australians. All she can get through me is preferential treatment if she applies to migrate to Australia. Ultimately, my two sons and I could pack up and move back to Australia any day but my wife would have to wait behind in the hope that her migration application is processed rapidly and favourably. This choice -- between breaking up our family unit or accepting restriction on our right to return freely to Australia -- is one we should not have to make.

In line with practices adopted in many comparable countries, there should be provisions by which Australians can pass their nationality on to non-Australian spouses without this being dependent on actual or imminent intended residence in Australia.

I thank you for this opportunity to raise these issues with you and look forward with interest to seeing the results of your inquiry.

Yours faithfully

Michael Laird