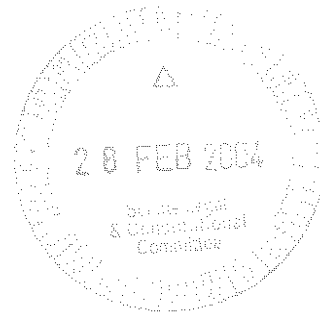


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Lorraine Buckland

The Secretariat
Senate Legal and Constitutional References Committee
Parliament House
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AUSTRALIA

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27 February 2004

Dear Sir/Madam,

Inquiry into Australian Expatriates

I am a former Australian citizen who forfeited my Australian citizenship under Section 17 of the *Australian Citizenship Act 1948* ("the Act") on acquisition of British nationality. I am currently unable to resume my lost Australian citizenship due to the restriction in Section 23AA of the Act which requires me to make a declaration that I have an intention to commence residing in Australia within three years of applying for resumption.

Despite my years away from "home", I have never stopped being Australian. Although I am not legally an Australian citizen anymore, my Australianess is still an integral part of me. In fact, it is who I am. I am heavily involved in the Australian expatriate community in London in a number of ways, and feel that I am actively contributing every day to the promotion and development of Australia from abroad. I am on the Committee of the Tait Memorial Trust, an important UK-registered charity established by an Australian, which sponsors young Australian performers in pursuit of further study in the United Kingdom. Recently we held a concert at Australia House at which the Australian Children's Choir performed as part of its European Tour, and the funds raised will go to the work of the Trust.

I am in addition a member of the Australian Women's Club in London, which has made a separate submission to this inquiry, as well as a member of the Australian Film Society, Australian Business in Europe (ABIE), the Britain-Australia Society and other groups.

Since early 2000, and the formation of the Southern Cross Group, I have served as the SCG's volunteer coordinator for the UK. It is estimated that there may be up to 400,000 Australians in the UK at any one time – and in its unique role as Australia's only international advocacy and support organization for the Australian diaspora, the SCG helps many of those 400,000. I field many calls and messages from members of our diaspora on a broad range of issues. Other SCG volunteers both in the UK and elsewhere handle growing numbers of e-mail queries sent in to the SCG every day, on everything from UK visa issues to pet passports. A number of

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those who contact the SCG, like myself, are former Australian citizens who cannot resume their lost citizenship at the present time. A friendly conversation with a sympathetic listener and a referral to someone who can help the person with their particular issue if the Southern Cross Group cannot is vital for many Australians in the UK.

I believe that the Citizenship Affirmation Ceremony organized by the Southern Cross Group at Australia House in London in February 2003 was a very significant and moving event for our expatriate community in London. We were very fortunate to have Citizenship Minister Hardgrave presiding and some 200 people attended. In May 2003, many people attended the event we organized at which Professor Graeme Hugo presented his latest research findings on the diaspora, and in October 2003 approximately 250 people joined us for the world-wide launch of the SCG's book *Australian Expats: stories from abroad*. I feel that our work in London and indeed globally is building a crucial sense of community and solidarity among Australia's now one-million strong diaspora. I wish I had a pound for every time an Australian expat has said to me "I thought I was alone and that I was the only expat with this particular issue – but now I realize that there are lots of others and that the Southern Cross Group is working to help all of us".

We are extremely fortunate in London to have HE Michael L'Estrange as our Australian High Commissioner at present. He and his wife Jane, since they have been here, have done everything they can to support the expatriate community, in particular by making rooms available at Australia House for various expatriate groups to hold functions and by simply listening to the concerns of Australians they encounter. When a High Commissioner, Consul-General or Ambassador is positively disposed and actively supportive of the expatriate community in their country, it can make a very big difference to the Australian diaspora in that country. A number of staff at the High Commission are also exemplary and should be commended for the excellent work they do.

Most recently, on 11 November 2003, I was privileged to attend the dedication of Australia's new War Memorial at Hyde Park Corner in the presence of HM The Queen and the Australian and British Prime Ministers. As I listened to Mr Howard's address at the dedication service on 11 November, I was particularly moved when he said:

"Whatever the future may hold for our two nations, we are tied for all time by our history, by shared language and law, but most important of all, by an enduring belief in human dignity and the democratic freedoms that should be the birthright of all."

It is a continuing matter of deep sadness to me that I am not today an Australian citizen, as I consider this to be my birthright. In 2002, my elderly mother was taken ill very suddenly, and I had to return home at short notice. My lack of Australian citizenship meant that I had to obtain a visa to enter the country of my birth to be with her in her final days.

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Resumption of lost citizenship is possible for those who are able to tick the "Yes" box in Question 13 on DIMIA Form 132. But many people do not feel at the present time that they can in good faith make a statement that they have a genuine intention to commence residing in Australia within three years. Indeed, it is prohibited under Section 50 of the Act to make a false representation, the penalty being 12 months imprisonment.

Furthermore, it rankles in principle that former Australians who are based permanently overseas, should, under the letter of the law, be judged unworthy of regaining their lost citizenship if they are not going to live in Australia again in the foreseeable future. To have this requirement in our law transmits a message that Australia only wants those who are going to "commit" to it by living within its territorial boundaries. By definition that stance sends a very alienating message that those of us overseas are not valued and might be simply discarded as worthless.

This is wholly inappropriate in an era of globalization, when almost a million Australians live overseas. Why are we not worthy of being Australian again? As the many submissions to the present inquiry demonstrate, Australians overseas are doing important work for Australia offshore in a multitude of ways. We are a small country in terms of population and economy. Our long-term prosperity will depend on us being successfully integrated into the global economy and community. Our diaspora is vital in helping us to achieve that end.

I am thankful that due to the efforts of the Southern Cross Group and many others, the Australian Government saw fit to repeal Section 17 with effect from 4 April 2002. From that date, no further Australians have had to suffer the loss of their citizenship due to naturalization elsewhere. But the 2002 amendment falls far short of a total fix.

I strongly urge this inquiry to make an unequivocal recommendation to government that Section 23AA(1)(iv)(B) of the Act be repealed. An intention to reside in Australia again within three years should not be a prerequisite to the resumption of Australian citizenship for historical Section 17 victims permanently abroad.

Thank you for initiating this inquiry. It is high time that Australians at home had the chance to hear the many voices and stories of their compatriots abroad.

Yours faithfully,



Lorraine Buckland