



MEDIA RELEASE

19 June 2015

ABA opposes revocation of citizenship without conviction

The Australian Bar Association (ABA) has expressed deep concern about proposed changes to legislation and the circumstances in which citizenship can be revoked.

“We have yet to see the Bill, but we have serious concerns with the Discussion Paper *Australian Citizenship, Your Right, Your Responsibility* issued by the Department of Immigration and Border Protection” said Fiona McLeod SC, ABA President.

“Any proposal which suggests that a Minister might assume the power to take action impacting upon fundamental rights of citizenship before a criminal conviction has been secured is deeply troubling.

“The proposal is likely to fail, as a matter of constitutional invalidity, because it imposes a penalty without adjudication by a court applying traditional safeguards including a fair trial and the rules of evidence.

“But it is also fraught with danger. A Minister should not be given a power to decide that citizenship should be revoked on the basis of intelligence, or information that would not be admissible in court proceedings.”

Ms McLeod said the role of the courts in determining criminal guilt must be respected and the constitution observed.

“The importance of separate, balanced powers to our cherished democracy cannot be overstated. Respect for each institution is fundamental to a cohesive society that respects the rule of law.

“Successive governments have introduced laws in the name of security that erode some of our dearest freedoms and exclude judicial scrutiny. We must take care to respect what we have, and what we stand to lose” she concluded.

Media inquiries: Alicia Patterson 0403172024 or [email](mailto:mail@austbar.asn.au)