



AUSTRALIAN BAR ASSOCIATION

MEDIA RELEASE

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Revised Citizenship Bill Still of Concern

The President of the Australian Bar Association, Fiona McLeod SC, today welcomed changes the Government has made to the *Australian Citizenship Amendment (Allegiance to Australia) Bill 2015*, reflecting the recommendations of the Parliamentary Joint Committee on Intelligence and Security.

Ms McLeod noted that a number of concerns remain. Under the Bill a person will automatically lose their citizenship based on a determination by an official that a person is guilty of certain offences by reference to the provisions of the Criminal Code and by-passing the role of the courts. New fault elements are introduced that are convoluted and will be difficult to apply in practice.

‘A person should only lose their citizenship if they have been convicted by a court of law of a relevant offence, such as an act of terrorism directed at Australians’, Ms McLeod said ‘The proposed mechanism for revocation of citizenship may breach the doctrine of separation of powers and will inevitably be the subject of a constitutional challenge to the High Court at some point.’

‘We are concerned that the legislation will apply retrospectively to capture conduct over the previous ten years in circumstances where that conduct may have been completely legal at the time, again without the need for a court hearing’ she said

Ms McLeod urged members of parliament to proceed with caution in eroding the precious right of citizenship noting ‘ultimately these provisions may be counter – productive’.

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