



New South Wales  
Council for  
Civil Liberties

## NSW COUNCIL FOR CIVIL LIBERTIES

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## MEDIA RELEASE - CITIZENSHIP STRIPPING BILL SHOULD BE ABANDONED

The NSW Council for Civil Liberties is disappointed that the Government-with the support of the Opposition-is proceeding with the controversial proposal to strip citizenship from Australians holding dual citizenship.

NSWCCL recognises that the amended Bill is significantly improved and less dangerous than the first version. The PJCS and the Government have responded to the widespread criticism of many of the serious flaws in its Bill.

We welcome these changes, but remain disturbed by, and opposed to, expanding citizenship-stripping laws.

Australian citizens who are alleged to have engaged in terrorist related activities should be charged, taken to trial and, if found guilty, punished and imprisoned in Australia.

To expel them from Australia is to place the person outside the reach of the State's legal system. It merely transfers the problem elsewhere in the world. It will not make us or the world safer.

The Bill may well be unconstitutional-but for NSWCCL this is not the core issue. Citizenship-stripping is not a sound policy response to criminal activity whether it is terrorist related or not.

This Bill should not be passed by Parliament.

**At the level of detail** should the Bill proceed:

- NSWCCL strongly opposes the inclusion of a **retrospectivity provision** in the Bill. Although this is a limited provision which will only apply to a very small number of persons (as far as we know only 2) it is a breach of a fundamental rule of law and natural justice principle. Retrospective application of punitive legislation is never acceptable. It is particularly so when, as in this context, it retrospectively imposes such a significant penalty as loss of citizenship.

Every time a retrospectivity provision becomes law in 'exceptional' circumstances, it makes such provisions more 'normal' and more likely to become commonplace legislative provisions.

- NSWCCL welcomes the inclusion of a minimum age for persons caught by the Bill's provisions. However, that minimum age should be 18 not 14 as is proposed for conduct related provisions. We are currently seeing an emerging trend to remove protections

from children in numbers of laws. The pending Bill on Control Orders is a case in point. This is a disturbing trend and we oppose it.

- NSWCCCL welcomes the removal of the provision which allowed for the loss of citizenship of children if a parent has their citizenship revoked. It is never just to punish the child for a parent's actions.
- NSWCCCL notes the increased role of the PJCIS (along with the INSLM) in scrutiny and oversight of the operation of the legislation. We support this strengthening of oversight and scrutiny as very necessary.

However, we are concerned at the lack of any cross bench or Greens membership of the PJCIS. The consistent bi-partisanship of the Labor Opposition and the Government on counter-terrorism and national security legislation means that more critical and dissenting views of a considerable minority within the Parliament are excluded from the highly influential Committee's deliberations. The PJCIS membership should be amended to be more fully representative of the Parliament.

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**Secretary**  
**NSW Council for Civil Liberties**  
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