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## Citizenship stripping should rely on conviction by court, may be unconstitutional, says Law Council

The Law Council of Australia has expressed serious concerns regarding current laws that allow terror suspects to be stripped of Australian citizenship ahead of today's Parliamentary Joint Committee on Intelligence and Security (PJCIS) hearing.

Law Council President, Arthur Moses SC, said the Federal Government's citizenship renunciation by conduct and cessation provisions set a low threshold for citizenship loss and did not align with the principles of natural justice.

These laws, which were introduced in 2015, are currently being reviewed by the PJCIS.

"Protecting Australians from the threat of terrorism must always be a top priority, so the government must ensure national security legislation is effective," Mr Moses said.

"Guilt and innocence should always be determined by a court – this a cornerstone of Australian democracy and one that must be fiercely protected.

"The government should not pursue a policy of exclusion that could see potential terrorists shipped to another jurisdiction, which may not have adequate security infrastructure and respect for the rule of law.

"When such individuals are outside Australia we lose control of them, which could in effect expose Australians and others to further harm."

Mr Moses said the laws could contravene Australia's international obligations that require no person is rendered stateless.

"Given the threshold for proof of dual citizenship has been set so low there is no guarantee a person would acquire citizenship of another country," Mr Moses said.

"There needs to be no ambiguity. Problems with the legislation were illustrated clearly in the case of Neil Prakash.

"There needs to be adequate checks and balances in place to ensure that if a person is stripped of their citizenship there is just cause. This means a person should be convicted of a terrorism-related offence by an Australian court before such a decision is made."

There are also concerns regarding the constitutionality of the laws, with power to revoke citizenship vested in the Minister for Home Affairs rather than a court.

The Law Council will appear before the [livestreamed PJCIS hearing](#) at 9am today.

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