

Australian Labor Party backs revamped bill to revoke citizenships

Mike Head

13 November 2015

Fully supported by the Labor Party opposition, Prime Minister Malcolm Turnbull's government yesterday began to push unparalleled legislation through parliament to strip citizenship from people, as young as 14, by ministerial decree.

After cosmetic modifications recommended by a bipartisan parliamentary committee, the bill retains the core feature of the version initially released in June: revocation of citizenships for a broad range of activities deemed by the government to be "terrorist"-related or to display a lack of "allegiance" to Australia.

Like his ousted predecessor Tony Abbott, Turnbull is personally touting the legislation under the false banner of "combatting terrorism," even though the measures go far beyond terrorism. In fact, the bill establishes a precedent for overturning the basic democratic right to citizenship and lays down a platform for the wider use of that power against government opponents, particularly in the context of deteriorating economic conditions and the mounting US-led war drive in the Middle East and against China and Russia.

For now, the Australian Citizenship (Allegiance to Australia) Bill is confined to dual citizens—that is, more than six million people who have citizenship of Australia and another country—only for the government to avoid openly violating international laws against rendering someone stateless. But the bill creates a framework of arbitrary ministerial power that can be extended to all citizens in the period ahead.

Turnbull declared that "the ability to revoke the citizenship of dual nationals ... is one of the many weapons that we have ... in our defending Australia against terrorism and making it safe." He foreshadowed further legislation, on top of the five "tranches" of laws unveiled by the government since September 2014 that abrogate basic legal and democratic rights in the name of "counter-terrorism." Turnbull insisted: "There are a lot of laws and

a lot of measures that we need to keep this country safe from terrorism."

The utter lawlessness with which the Liberal-National government and its Labor Party partners are proceeding was underscored by Turnbull's defiance of warnings by prominent legal experts that the bill is probably unconstitutional. There are a number of clear constitutional objections, including that a government minister will be able to severely punish people, by depriving them of their citizenship, without any trial or other judicial process.

Turnbull claimed that the "government's advice" was that the laws would be upheld by the High Court, the country's supreme court, but "of course" that "advice isn't always borne out." The government has flatly refused to release its legal advice. That has not stopped the Labor Party pledging to pass the bill, saying that the "question of constitutionality" is the government's responsibility.

In the words of the parliamentary committee report, the legislation retains the original bill's "three mechanisms for automatic loss of Australian citizenship," even for people born in the country. Far from being "watered-down," as portrayed by the corporate media, the bill maintains and strengthens its deeply anti-democratic features.

First, a person will "renounce by conduct" their citizenship if the immigration minister deems, without any criminal trial, that they participated in certain terrorist-linked or "hostile activity in another country." The only proviso is that the person was outside Australia when the conduct occurred, or left Australia without being charged for that conduct. No due process ("natural justice") is required for such a ministerial declaration. The order could be eventually challenged—after the citizenship was already revoked—in the High Court, only because the constitution currently prevents a government from

blocking access to that court.

Second, an individual will “cease” to be a citizen by “fighting for” or “being in the service of” (a vague, undefined term) any organisation declared by the minister to be terrorist for the purpose of this legislation. The government can “declare” selected groups to be terrorist or not, depending on whether they are opposing US-led interventions or supporting them, such as the Islamist outfits fighting to overthrow the Assad regime in Syria.

Third, a person will “cease” to be a citizen if jailed for more than six years for any of a long list of terrorism and other politically-motivated offences, including “advocating terrorism,” assisting an “enemy” of Australia, and leaking security information. Due to the sweeping definition of terrorism in the post-9/11 laws, a person can lose their citizenship for supporting the right of people, whether in Syria or any other country, to resist a US-led invasion.

With the parliamentary committee’s support, this third mechanism is now retrospective—covering people already convicted of such offences, provided they have been jailed for 10 years or more. This amendment violates the centuries-old principle against retrospective punishment for conduct that was not previously proscribed. Its adoption underscores the fraud of the Labor Party’s claims that the committee “narrowed” the bill to cover only “dozens” of people, not “millions,” and therefore “struck the right balance.”

Significantly, the government thanked Labor for helping to “improve” the bill. In parliament yesterday, Immigration Minister Peter Dutton lauded “the leader of the opposition [Bill Shorten] and my opposite number [Richard Marles] for the support in relation to this bill.”

Marles, the shadow immigration minister, highlighted Labor’s commitment to expanding the powers of the military, police and intelligence apparatus. “National security is something that is owned by the vast majority of this parliament across the political spectrum,” he said.

The Greens, another integral part of this parliamentary establishment, criticised the bill for threatening the basic rights of citizens, but its differences were essentially tactical. Deputy leader Senator Scott Ludlam described the legislation as “unworkable” because it was likely to be unconstitutional.

In media comments and testimony before the parliamentary committee, several law professors cautioned that the bill was “vulnerable” to constitutional challenges. Professor Anne Twomey from the University of Sydney said removing a person’s citizenship “would

be treated by the courts as something that is akin to punishment and therefore exclusively judicial in nature.”

Assisted by Labor’s backing, the government is intensifying its assault on legal rights. Attorney-General George Brandis yesterday tabled the “fifth tranche” of its terrorism laws, featuring punitive control orders for teenagers as young as 14. He also backed plans by the New South Wales government to double, from 14 to 28 days, the time that police can detain alleged terrorism suspects without charge or trial.

One of the main pretexts for this offensive—the alleged “Anzac Day” plot to behead someone during April’s official centenary celebrations of the disastrous World War I invasion of Turkey’s Gallipoli peninsula—unraveled further yesterday. A Melbourne teenager who was charged with “conspiring to commit a terrorist act,” a charge that was dropped in August, was released by a court without conviction on three counts of possessing prohibited weapons.

A magistrate sentenced Harun Causevic, now 19, to a 12-month good behaviour bond on the condition that he continue with psychological treatment, which she said was particularly necessary to help him deal with post-traumatic stress after spending 129 days in prison awaiting trial.

The young man remains under a 12-month control order that imposes a curfew, restricts his Internet use, bans contact with others accused of involvement in the so-called plot, forces him to wear a tracking device and to attend therapy or counselling each week.

The collapse of the case against the teenager, which was the subject of sensationalised media coverage for weeks, highlights how the terrorism laws can be used to frame-up other working class people, not just vulnerable Islamic youth, as opposition grows to the Turnbull government’s agenda of war, budget- and wage-cutting and abrogation of fundamental democratic rights.



To contact the WSWs and the
Socialist Equality Party visit:

wsws.org/contact