



Confessions of a dual citizen

I write this on the day of the first Bledisloe Test when Australia and New Zealand play rugby for a cup that is really about national pride. The backdrop is a McCarthy-like enquiry into what politician is and what politician is not, shock horror, a dual citizen of Australia and another country.

One by one, politicians in Australia are announcing that they are asking the High Court to decide whether they can stand in Parliament even though they are a dual citizen of another country. As we all know, modern Australia was settled by migrants, some with a dubious history with the criminal law and migrants continue to be an important part of our society.

It is presented as a given that to be in a position of influence one has to be a citizen of that country alone. Is it really such a good requirement? In sport, the preference for a coach to be from the country they manage is changing to a more pragmatic approach in search of a better result. Ireland and the Lions each have a Kiwi rugby coach and no-one has made a serious allegation that their heart was not in the job when their teams played New Zealand. Australians too know that the Australian Eddie Jones is a fearsome leader of the English team and likes nothing better than beating Australia.

I am one of the migrants lucky enough to get through the citizenship process. At my citizenship interview 16 years ago, I was asked my thoughts on the privileges of being an Australian citizen. I riffed expansively on the joys of life here which included barbeques in public places, free barbeques in parks, BYO restaurants and, eh, barbeques. I then realised there was a list called “Privileges of being an Aussie” on posters on the wall which included:

- seek assistance from Australian diplomatic representatives while overseas
- register as Australian citizens by descent any of your children born overseas after you become an Australian citizen
- **stand for Parliament**
- vote to elect members of Parliament.

<http://www.liveinvictoria.vic.gov.au/visas-and-immigrating/how-to-migrate/citizenship#.WZdyWbpuLIU>

Fortunately, for me at least, I was able to list most of the above so I passed the test! I recall two separate privileges of standing for the upper house and standing for the lower house but I will stand corrected if mistaken. I note that the border.gov.au website now makes no reference to “stand for Parliament” so maybe someone spotted this issue years ago.

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I am investigating whether I have a claim against the Government on the basis that the privileges of citizenship were misrepresented! The Australian Government knew I was already a citizen of Ireland and was not planning to give up my Irish citizenship. I am not serious about this claim but, like others, I wonder how many politicians were elected over the years when the law says they were not entitled to be? How many laws were passed by unlawfully constituted Parliaments and Senates? While that is a bona fide legal argument, it would arguably require and waste a huge amount of time. To save their hide, we are now seeing politicians ask the High Court to prioritise an investigation into their personal circumstances.

Yet, while Australia needs strong leadership and a broader debate about its position in the world, we see that our politicians are spending their time looking into their own family history. Under the current laws, the answer will have an impact on the elected government and their own entitlement to a salary and a very generous pension. As the principal of Legacy Law, I applaud such reflection on family but not while we are paying for them. In the meantime, we are effectively leaderless.

The current President of the USA made much of Barrack Obama's alleged birth outside the USA which would have denied him the ability to be elected as President. The claim turned out to be false but such citizenship rules belittle political debate and arguably exclude otherwise good members of the public from taking roles in high public office.

I am at peace that, despite the suggestion that I could stand for Parliament, I will not be a legislator in Australia and happy with my role as an interpreter of those laws. Some laws are bad and some are stupid and need to be changed.

Australia is in a position to be a leader in the world but, in my humble opinion, it tends to prefer to follow. This latest furore which affects all Australian political parties is an embarrassing distraction from serious world and local challenges which need massive lateral thinking and not small-minded nest feathering.

It makes professional sport look extremely honourable. James Joyce's comment on Irish / English history comes to mind: it was two bloody Irishmen in a bloody fight over bloody nothing.

For once politicians' personal interest and the national interest are aligned so let's change this stupid bloody law and stop wasting our time and that of the High Court.

Come on Aussie!

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