



COMMONWEALTH OF AUSTRALIA

SENATE

Hansard

THURSDAY, 10 MARCH 2005

CORRECTIONS

This is a **PROOF ISSUE**. Suggested corrections for the Official Hansard and Bound Volumes should be lodged in writing with the Director, Chambers, Department of Parliamentary Services **as soon as possible but not later than:**

Thursday, 17 March 2005

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BY AUTHORITY OF THE SENATE

PROOF

of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Productivity Commission—Report for 2003-04. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

National Environment Protection Council and NEPC Service Corporation—Report for 2003-04. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 April to 30 June 2004. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 July to 30 September 2004. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

COMMITTEES

Privileges Committee

Report

Debate resumed from 8 March, on motion by **Senator Faulkner**:

That the Senate endorse the finding at paragraph 1.25 of the 120th report of the Committee of Privileges.

Question agreed to.

Legal and Constitutional References Committee

Report

Debate resumed from 8 March, on motion by **Senator Bolkus**:

That the Senate take note of the report.

Senator BARTLETT (Queensland) (6.17 p.m.)—I will also speak to this committee report. It is a report I recommend to anybody interested in the role of Australians that leave our country, whether for a short or long period of time, how they can continue to play an effective role in our economy, in our community and in our sense of what being Australian is and as ambassadors for Australia around the world. I spoke to some extent on this report the other day and I will speak briefly to emphasise a few points following on from that.

Firstly, I emphasise that the report is fairly close to being unanimous. Government senators backed most of the recommendations, if not fully then certainly in principle. I urge the government and the ministers affected by this to give strong consideration to it. There are a few parts in particular I want to emphasise, especially given the debates that have been happening lately around skilled labour shortages. There has been talk about bringing in more migrants to Australia to fill skills shortages. That is a debate that has a lot of inter-

esting aspects to it. We should not forget the role that expats can play in coming back to Australia and we should not forget the skills that are already here that we are not making use of from temporary residents, migrants and refugees, particularly refugees on temporary visas who are being prevented from upgrading their skills or having their skills recognised.

There is also the group of Australians who have been overseas for some time, who have developed skills over there and who have trouble getting those skills recognised back here. One area that I think certainly needs further exploration is that group of people: Australians who come back here looking to continue their life and jobs, find that they cannot get work for various reasons and end up going away again. That is a circumstance that I think we need to avoid where reasonably possible.

Another area that needs examination is whether it is possible to further expand the opportunities of Australians resident overseas to vote. There are limits on how far you can take that principle. Some countries take it so that if you are a citizen of that country you can vote anywhere in the world even if you have not lived there for decades. We saw the election—welcome in many respects—that just occurred in Iraq and the fact of many Australian citizens who migrated here from Iraq or were refugees from Iraq partaking in that election, even though some of them had not been in that country for a long time. That was something we celebrated. Obviously those are very different circumstances, but it is an example of people who have been away from a country for a very long time and can still be recognised as legitimately having links to that country and playing a role in determining the future direction of that country. I do not say that everybody should be able to vote for the rest of their lives even if they have not lived here for 50 years, but I do think we need to look at the scope for expanding the right to vote for expats beyond what the current arrangement is. It is not a terribly satisfactory arrangement even purely from the point of view of efficiency.

The second point I want to emphasise is the very desperate need to remove the outdated component in the Constitution that prohibits dual citizens from nominating for federal parliament. It is absurd that we do not even know how many Australians are dual citizens, but estimates are 20 to 25 per cent. With changes to the Citizenship Act in recent years that lessen the requirement for people to let go of their citizenship if they become a citizen of another nation, we will have a dramatically increased number of Australians who are dual citizens, which I think is a good thing. Indeed, as I will say in a moment, we need to further reform the Citizenship Act, as this report suggests.

All of those people, however many millions there are, the 20 or 25 per cent of Australians who are dual

citizens, are people who do not have the opportunity to nominate for federal parliament. Again, I believe that is counterproductive for the entire community. There are many people who have a contribution to make and they cannot even be part of an election campaign. Speaking from the point of view of a smaller party like the Democrats, you have people who nominate purely to be a candidate in an election and obviously have no expectation of winning in the House of Representatives. They are not even able to participate in that way, even though there is no real prospect of them being elected. That is a whole group of the community who are prevented from even participating in that very fundamental way of being a candidate for election.

The Constitution could be amended so that if you take up your seat in parliament you are deemed to have rescinded your other citizenship. I do not see any problem with people even being dual citizens and being in parliament. Almost certainly we have had people in that situation in the past and it has not been acted on. Perhaps you could have the parliament rule that, before people become a minister or something like that, they could not be a dual citizen. I certainly believe it is counterproductive for us to have such a huge part of the community prohibited from even participating at all as candidates in federal elections. I believe it is well overdue for that part of the Constitution to be removed. I urge the Prime Minister to recognise that it is a policy that has been supported by pretty much every party here. Nobody has acted on it because we have a bit of an aversion to referendums these days. I think that if it were widely supported it would be one that would get through.

The final point I will make is in relation to the Citizenship Act. This report makes recommendations that the act be amended to enable the children of Australians who have previously rescinded their Australian citizenship to apply for Australian citizenship by virtue of descent. Again, I think that would be a benefit to our nation. The government announced, in the middle of last year, that they would be moving to amend the Citizenship Act to enable former Australians who had surrendered their citizenship in the past to be able to reapply for Australian citizenship. Because of the operation of the Citizenship Act they were required to surrender it when they took up the citizenship of another nation. That is a move I strongly support. I put on the record here that I and the Democrats would support that amendment to the Citizenship Act being made as promptly as possible.

I call on the relevant minister, Minister McGauran, to introduce that legislation. We do not need to wait until the second half of the year. That is one that I would support promptly. It was announced nearly a year ago, and I think it is about time that it saw the light of day. Previous announcements to amend the

Citizenship Act regarding this area that did eventually get passed took a long time from announcement—I think about five years—to when they were passed. I do not want to see that again. I urge the government to act quickly on their announcement from July last year, and I think they should go further. Again, if they did go further and allow children of those who are affected in that way to also be able to apply for Australian citizenship, I would support it. To give one example, a number of Maltese people were affected by that situation. There are areas where we can act quickly. I support the government acting quickly in this area as well as on the other recommendations in this report.

Question agreed to.

DOCUMENTS

Auditor-General's Reports Consideration

The following orders of the day relating to reports of the Auditor-General were considered:

Auditor-General—Audit report no. 16 of 2004-05—Performance audit—Container examination facilities: Australian Customs Service. Motion of Senator Webber to take note of document agreed to.

Auditor-General—Audit report no. 17 of 2004-05—Performance audit—The administration of the National Action Plan for Salinity and Water Quality: Department of Agriculture, Fisheries and Forestry; Department of the Environment and Heritage. Motion of Senator Bartlett to take note of document. Debate adjourned till the next day of sitting, Senator Bartlett in continuation.

Auditor-General—Audit report no. 30 of 2004-05—Performance audit—Regulation of Commonwealth radiation and nuclear activities: Australian Radiation Protection and Nuclear Safety Agency. Motion to take note of document moved by Senator Bartlett. Debate adjourned till the next day of sitting, Senator Bartlett in continuation.

Orders of the day nos 3 to 5 and 7 to 13 relating to reports of the Auditor-General were called on but not motion was moved.

ADJOURNMENT

Information Technology Multiple Sclerosis

The ACTING DEPUTY PRESIDENT (Senator Lightfoot)—Order! There being no further consideration of committee reports, government responses and Auditor-General's reports, I propose the question:

That the Senate do now adjourn.

Senator LUNDY (Australian Capital Territory) (6.27 p.m.)—This is a useful opportunity for me to continue in the adjournment debate some remarks I was making with respect to the general business motion earlier today. I would like to continue to speak on that subject and to particularly focus on the issue of trade deficits. This government has been clocking up