
List of Recommendations

CHAPTER 2: Australian Civic Values in the Twenty-First Century

Citizenship Serving Australia and Australians

Recommendation 1: The Council **recommends** that the Commonwealth Government take a lead in promoting not only the broad civic values that unite Australians but also the legal status of Australian Citizenship within the Australian community.

CHAPTER 3: Bringing Australians Together in an Australian Compact

The Australian Compact

Recommendation 2: The Council **recommends** that immediately preceding the Centenary of Federation year the Commonwealth, State and Territory parliaments make a non-partisan declaration on the significance of, and values contained in, the 'Australian Compact' developed by the Council and that their members adopt the seven basic principles of the 'Compact', with its commitment:

- To respect and care for the land we share;
- To maintain the rule of law and the ideal of equality under the law of all Australians;

- To strengthen Australia as a representative liberal democracy based on universal adult suffrage and on freedom of opinion;
- To uphold the ideal of Australia as a tolerant and fair society;
- To recognise and celebrate Australia as an inclusive multicultural society which values its diversity;
- To continue to develop Australia as a society devoted to the wellbeing of its people;
- To value the unique status of the Aboriginal and Torres Strait Islander peoples.

Recommendation 3: The Council **recommends** that the Australian Compact be used as the foundation for a promotion strategy to encourage Australians to strengthen their civic values as citizens and, in the hundredth anniversary year of their Commonwealth, to proclaim their belief in and commitment to certain declared civic values.

Recommendation 4: The Council **recommends** that a small, accessible, easy-to-understand booklet be prepared, explaining the seven principles of the 'Australian Compact'. To begin with, this could be available for distribution during the centenary year. But many other uses could be found for it following the centenary year.

Recommendation 5: The Council **recommends** that all political leaders (including Local Government leaders) use the 2001 Centenary of Federation commemorations to launch to a wider audience the Australian Citizenship Pledge, and the concept of affirmation ceremonies for Australian Citizens and Australians, as a normal part of the centenary ceremonies, with the aim of further extending their use when the centenary commemorations are over.

Recommendation 6: So that there will be a continuing means of expressing Australian civic unity in an attractive form, the Council **recommends** that appropriate authorities disseminate throughout the year the Australian Citizenship Pledge, along with the Joint Parliamentary Statement on Racial Tolerance unanimously passed by Parliament on 30 October 1996, the principles of Australian multiculturalism enunciated by the National Multicultural Advisory Council in its report *Australian multiculturalism for a new century: Towards inclusiveness* (April 1999) and adopted by the Commonwealth Government and any document that comes out of the reconciliation process.

Core Civic Values and Australian Multiculturalism

Recommendation 7: The Council welcomes the National Multicultural Advisory Council's recommendation that support for core civic values should be the first of the four principles of Australian multiculturalism and adoption of these principles by the Commonwealth

Government and **recommends** that the principles of the 'Australian Compact' should play an essential part in discussion on the civic values involved in 'Australian multiculturalism'.

Looking for the Distinctive

Recommendation 8: The Council **recommends** that, as a Centenary of Federation project, an international conference in comparative government and comparative political culture be arranged, with representatives from a range of countries. This would in itself be a unique contribution to the study of comparative government and comparative political culture and it might also prompt serious consideration in Australia of what it is that is distinctive in the Australian polity.

Recommendation 9: In view of what would be the Australia-wide, national and international focus of the proposed conference in comparative government and comparative political culture (see Recommendation 8), the Council **recommends** that seed funding be provided by the Commonwealth Government through the Immigration and Multicultural Affairs portfolio to assist in the organisation of the conference.

Civics and Citizenship Education

Recommendation 10: The Council strongly endorses the Discovering Democracy program, a significant Commonwealth initiative of civics and citizenship education in schools, and **recommends** that it continue to be part of the Australian school curriculum and that it be extended to Years 11 and 12.

General Citizenship Material

Recommendation 11: The Council **recommends** the continuing production and distribution of citizenship educational and promotional material, including booklets, posters and pins, by the Department of Immigration and Multicultural Affairs, for wide distribution at Australian Citizenship conferral ceremonies and other appropriate functions and occasions beyond the fiftieth anniversary year.

Affirmation Ceremonies for Australian Citizens

Recommendation 12: The Council **recommends** that affirmation ceremonies for Australian Citizens be conducted at appropriate formal civic occasions. Local Government should be encouraged to continue to provide on an ongoing basis after completion of the fiftieth anniversary year voluntary affirmation ceremonies for Australian Citizens as an extension of established procedures for conducting Australian Citizenship ceremonies for new Australian Citizens. State and Territory Governments should also be encouraged to include affirmation ceremonies at appropriate formal civic occasions which they convene.

Affirmation Ceremonies for Citizens and non-Citizens

Recommendation 13: The Council **recommends** that State and Territory Governments as well as schools and community groups be encouraged to conduct affirmation ceremonies at appropriate occasions using a modified affirmation suitable for all Australians, including those who are not Australian Citizens.

Recommendation 14: The Council **recommends** that the Commonwealth and State Centenary of Federation Councils promulgate the idea of affirmation ceremonies among those organising government and community events for commemorating the Centenary of Federation in 2001.

Australian Passports

Recommendation 15: The Council **recommends** that a statement be included on Australian passports to the effect that the bearer is an Australian Citizen.

Annual Citizenship Day

Recommendation 16: The Council **recommends** to Government the proposal of the 1999 National Schools Constitutional Convention that a Citizenship Day be established to allow all in Australia to celebrate their Australian Citizenship.

Responsibilities and Privileges, and Differential Between Australian Citizens and Permanent Residents

Recommendation 17: The Council **recommends** that there be no widening of the current differential in responsibilities and privileges between Australian Citizens and permanent residents. The Council believes that the decision to acquire Australian Citizenship is an important life choice, which should be taken voluntarily and be indicative of a clear commitment to Australia. It should not be an expedient step taken to obtain access to a particular benefit.

Recommendation 18: The Council **recommends** that the group of eligible permanent residents who are able to vote in Australian elections be encouraged to apply for Australian Citizenship along with all other eligible non-Citizens.

Encouraging Eligible Permanent Residents to Become Australian Citizens

Recommendation 19: The Council **recommends** development and implementation of an ongoing strategy to encourage eligible permanent residents to acquire Australian Citizenship. This strategy should also aim to encourage knowledge and awareness of Australian Citizenship and civics within the community.

Recommendation 20: In the Council's view, the Centenary of Federation, 2001, a significant national milestone, would provide an ideal focal point for a heightened Australian Citizenship promotional campaign. The Council therefore **recommends** development and implementation of an enhanced campaign for 2001 encompassing the same goals as the ongoing strategy.

The Australian Citizenship Pledge

Recommendation 21: The Council **recommends** that no change be made to the current Australian Citizenship Pledge of Commitment made by those about to become Australian Citizens.

Citizenship and Commonwealth Administration

Recommendation 22: The Council **recommends** that the Department of Immigration and Multicultural Affairs be renamed to include 'Citizenship' in its title to more explicitly reflect the importance of Citizenship and the Commonwealth's role.

Indigenous Australians and Citizenship

Recommendation 23: Believing that reconciliation and the completion of the passage of indigenous people to full realisation of their citizenship in Australia are, in the deepest sense, intimately linked, the Council wishes to offer the Council for Aboriginal Reconciliation its strongest support and **recommends** continued government and community involvement in the reconciliation process.

CHAPTER 5: Refining Australian Citizenship Law and Policy

The Current and Future Environment

Recommendation 24: The Council **recommends** that the overall inclusive and non-discriminatory approach to Australian Citizenship, that is characterised in current Australian Citizenship law, of welcoming, without undue barriers, migrants and humanitarian entrants who come to Australia as part of the planned migration and humanitarian programs, continue to be accepted by governments as the basis for future Australian Citizenship policy and law.

Acquiring Citizenship – (1) By Birth

Recommendation 25: The Council **recommends** that the current provisions relating to the acquisition of Australian Citizenship by birth remain unchanged, but that the Government monitor the use of section 10(2)(b) of the *Australian Citizenship Act 1948* and take appropriate action to tighten this provision if evidence of abuse emerges.

Acquiring Citizenship – (3) By Descent

Recommendation 26: The Council **recommends** that the current provision of the *Australian Citizenship Act 1948* which specifies that children born overseas must be registered as Australian Citizens by descent before they turn 18 years of age be extended to enable registration before a child turns 25 years of age.

Acquiring Citizenship – (4) By Grant

Residence requirements

Recommendation 27: The Council **recommends** that the current residence requirements for acquisition of Australian Citizenship in the *Australian Citizenship Act 1948* be retained.

Discretionary provisions relating to residence requirements

Recommendation 28: The Council **recommends** that the residence discretions be retained without change other than section 13(4)(b)(iii) of the *Australian Citizenship Act 1948* relating to residence in Papua New Guinea which should be repealed as it is no longer used.

Recommendation 29: The Council **recommends** that the Government carefully monitor all residence discretions in the *Australian Citizenship Act 1948* and take appropriate action to tighten the provisions should a trend of abuse emerge.

Residence concessions for the Australian Defence Forces

Recommendation 30: The Council **recommends** that the existing residence concession in the *Australian Citizenship Act 1948* for people who have completed not less than three months relevant service in the Australian Defence Force be retained and extended to include persons who previously completed six months service as full-time serving members of Australia's reserve forces.

Other discretions

Recommendation 31: The Council **recommends** that the current provisions in the *Australian Citizenship Act 1948* providing a discretion to grant Australian Citizenship to a child under the age of 18 be retained.

Recommendation 32: The Council **recommends** that the current provisions in the *Australian Citizenship Act 1948* providing a discretion to grant Australian Citizenship to a permanent resident spouse, widow or widower of an Australian Citizen be retained.

Knowledge of English

Recommendation 33: The Council **recommends** that the existing 'basic' English language requirement for grant of Australian

Citizenship in the *Australian Citizenship Act 1948* be retained as well as the current arrangements for testing this requirement at interview.

Recommendation 34: The Council **recommends** that completion of either 300 hours of AMEP English language tuition or the Certificate in Spoken and Written English II (CSWE II) be accepted for the purpose of satisfying the English language requirement for the grant of Australian Citizenship.

Recommendation 35: Acknowledging that English language skills are advantageous in relation to civic participation, the Council **recommends** that new migrants without functional English be actively encouraged to avail themselves of their opportunities under the Adult Migrant English Program (AMEP) in order to increase their opportunity to participate fully in the Australian community.

Knowledge of the responsibilities and privileges of Australian Citizenship

Recommendation 36: The Council **recommends** that completion of the Adult Migrant English Program (AMEP) Citizenship course element be accepted for the purpose of satisfying the responsibilities and privileges requirement for grant of Australian Citizenship.

Recommendation 37: The Council **recommends** arrangements for testing the ‘responsibilities and privileges’ requirement for grant of Australian Citizenship at interview be retained.

Character requirements

Recommendation 38: The Council **recommends** that the policy in relation to ‘good character’ be amended to remove the requirement that a ‘reasonable amount of time will need to have passed since the last crime was committed to establish a pattern of good behaviour’. Instead the policy should require the passage of a reasonable amount of time since a person is free of obligation to the Court in order to establish a pattern of good behaviour.

Recommendation 39: The Council **recommends** that section 13(11) of the *Australian Citizenship Act 1948* which prescribes prohibitions on grant of Australian Citizenship be extended to provide that where any person who has been sentenced to two or more periods of imprisonment, of twelve months or more, that person cannot be granted Citizenship within ten years of being free of obligation to the Court.

Fees

Recommendation 40: The Council **recommends** that fees for applications for grant of Australian Citizenship (and other appropriate Citizenship applications) continue to be charged on a cost recovery basis with appropriate concessions and exemptions.

Concessional fee

Recommendation 41: The Council **recommends** that the existing list of pensions which give rise to Citizenship fee concessions be kept under review to ensure that it reflects pensions and benefits for people suffering permanent financial disadvantage.

Fee exemptions

Recommendation 42: The Council supports the existing fee exemptions for former British child migrants and previous applicants for Australian Citizenship who did not meet the residence requirements and reapply within three months of becoming eligible and **recommends** that they continue.

War veterans

Recommendation 43: The Council **recommends** that, in addition to the residence concession, no fee be payable in regard to an application for grant of Australian Citizenship if a person has served for a period of not less than three months in the Australian Defence Force.

Time limit between grant and conferral

Recommendation 44: The Council **recommends** that the *Australian Citizenship Act 1948* be amended to provide a power to revoke the grant of a certificate of Australian Citizenship between approval and conferral in the following circumstances: where a person does not take the Australian Citizenship Pledge within twelve months of being approved for Citizenship without an acceptable reason; where a person comes to the attention of the Department of Immigration and Multicultural Affairs, prior to conferral, as no longer satisfying the requirements of section 13 of the Act; and where it is subsequently discovered that a person did not meet the provisions for grant.

Recommendation 45: The Council **recommends** that the *Australian Citizenship Act 1948* be amended to provide that if a person granted a Certificate of Australian Citizenship has been charged with, or is under investigation for a crime or for cancellation of a visa, the Minister has a power to defer for up to 12 months the conferral of Australian Citizenship, to enable it to be established whether the requirements for grant of Australian Citizenship continue to be met.

Citizenship ceremonies

Role of Local Government

Recommendation 46: Recognising the positive effects of introducing new Citizens to their local community through Citizenship ceremonies conducted by Local Government councils, and the generally high level of achievement by Local Government councils in this area, the Council **recommends** that the conduct of public ceremonies by Local Government councils be the principal means of conferral of Australian Citizenship, but that no special arrangements for direct funding be introduced.

Private conferral of Australian Citizenship

Recommendation 47: The Council **recommends** that all applicants for Australian Citizenship be encouraged to participate in public ceremonies and that private ceremonies continue to be held only on a limited basis where appropriate.

State/Territory government involvement

Recommendation 48: The Council **recommends** that current arrangements, which provide for State/Territory Government involvement in the conduct of Australian Citizenship ceremonies for special events, from time to time, are appropriate and sufficient at this time.

Losing Citizenship – (1) By Acquiring Another Citizenship

Recommendation 49: The Council strongly **recommends** that section 17 of the *Australian Citizenship Act 1948* (which provides for loss of Australian Citizenship on acquisition of another Citizenship) be repealed so that Australian Citizens over the age of 18 do not lose their Australian Citizenship on acquisition of another Citizenship.

Reciprocal arrangements with other countries

Recommendation 50: The Council **recommends** that existing reciprocal arrangements between Australia and other countries for the exchange of Citizenship acquisition information remain lapsed or, where necessary, be formally terminated.

Losing Citizenship – (2) By Serving in the Armed Forces of a Country at War with Australia

Recommendation 51: Under section 19 of the *Australian Citizenship Act 1948* (the Act), an Australian Citizen who serves in the armed forces of a country at war with Australia automatically ceases to be an Australian

Citizen. The Council **recommends** that section 19 of the Act remain unchanged.

Losing Citizenship – (3) By Deprivation

Recommendation 52: The Council **supports** the existing Australian Citizenship policy and law on deprivation of Australian Citizenship which limits deprivation of Australian Citizenship to specific circumstances involving fraud in relation to migration or Citizenship applications and to where a serious crime was committed before grant of Australian Citizenship. The Council also considers that the current requirement for conviction of an offence in relation to fraud or an offence committed before grant of Australian Citizenship before the Minister's deprivation power arises, is an important safeguard which should continue.

Deprivation of Citizenship of suspected war criminals

Recommendation 53: The Council **recommends** that the current provisions for the deprivation of Australian Citizenship in the *Australian Citizenship Act 1948* be retained unchanged.

Losing Citizenship – (4) By Renunciation

Recommendation 54: The Council **recommends** that the provisions for the renunciation of Australian Citizenship contained in section 18 of the *Australian Citizenship Act 1948* be retained.

Recommendation 55: As there is currently no recovery of costs involved in processing an application for renunciation of Australian Citizenship, the Council **recommends** that a

fee be charged for people wishing to renounce their Australian Citizenship. The fee should be set to recover processing and administrative costs, in line with other Citizenship fees.

Reacquiring Australian Citizenship

Recommendation 56: The Council **recommends** that the *Australian Citizenship Act 1948* be amended to allow persons who renounce their Australian Citizenship before the age of 25 in order to retain another Citizenship to reacquire Australian Citizenship up to the age of 25 if they meet the usual requirements for resumption of Australian Citizenship.

Recommendation 57: To maintain the integrity of the Citizenship acquisition process, the Council **recommends** that the resumption provisions in the *Australian Citizenship Act 1948* be amended to require that an applicant for resumption of Australian Citizenship satisfy a good character requirement.

Other Issues

Citizenship certificates for children

Recommendation 58: The Council **recommends** that the *Australian Citizenship Act 1948* be amended to provide, at no additional charge, individual certificates of Australian Citizenship to all children under 16 years of age who acquire Australian Citizenship with their parents.

Amendment/replacement of certificates

Recommendation 59: The Council **recommends** that current provisions of the *Australian Citizenship Act 1948* allowing the

Minister to amend a certificate of Australian Citizenship if desirable or replace a certificate of Australian Citizenship in limited circumstances be retained and that policy maintain a balance between the desirability of a client's request for amendment and a need to prevent fraud.

Citizenship in relation to migration agents

Recommendation 60: The Council **recommends** that the Department of Immigration and Multicultural Affairs continue to monitor the situation and if more evidence emerges indicating that provision of Citizenship advice needs to be included in the regulatory scheme for the provision of migration advice, the Government should take appropriate action.

Sub-section 44(i) of the Australian Constitution

Recommendation 61: The Council supports Recommendation 2 in the report of the Standing Committee on Legal and Constitutional Affairs, on *Aspects of Section 44 of the Australian Constitution*, in particular that there be a requirement for intending candidates and members of Parliament to be Australian Citizens, but **recommends** that further consideration be given by government to the issue of how to more appropriately measure 'undivided loyalty to Australia' for intending candidates for Parliament and members of Parliament.

CHAPTER 6: Refining the Structure of the *Australian Citizenship Act 1948*

Organisation, Consolidation and Co-location, Consistency

Recommendation 62: The Council **recommends** that the Government take the opportunity, when making substantive amendments to the *Australian Citizenship Act 1948*, to also ‘tidy up’ the Act, to improve presentation so that it is logically organised, numbered, consistent, with related matters dealt with together, and ensuring that the balance of matters dealt with between the *Australian Citizenship Act 1948* and the Australian Citizenship Regulations conforms to modern standards.

Reader’s Guide

Recommendation 63: The Council **recommends** that a Reader’s Guide be drafted for the *Australian Citizenship Act 1948* to make it more accessible.

Preamble to the Act

Recommendation 64: The Council supports the current Preamble to the *Australian Citizenship Act 1948* and **recommends** that it remain unchanged.