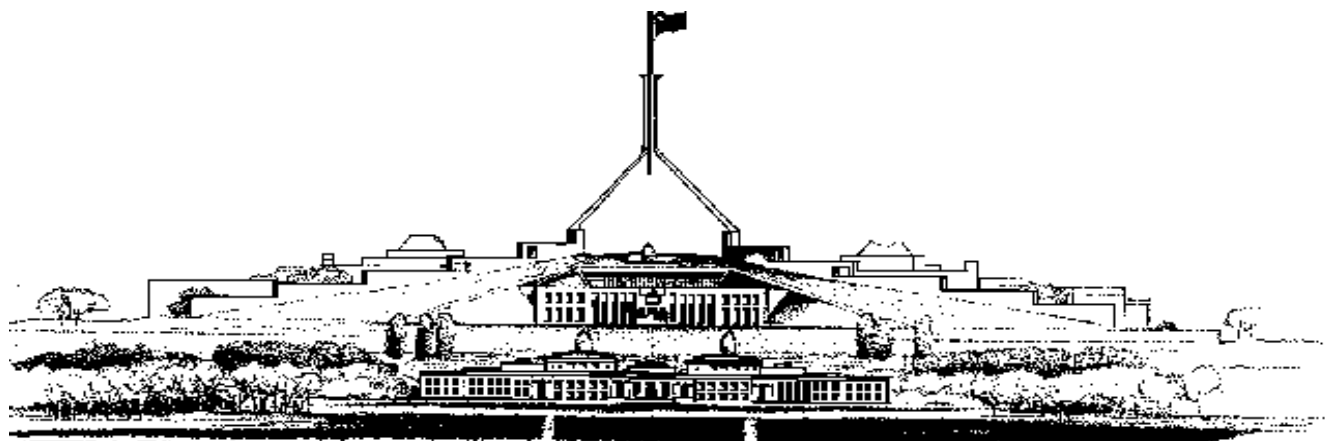




COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**HOUSE OF
REPRESENTATIVES**

Official Hansard

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THIRTY-NINTH PARLIAMENT
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BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

tant roles assigned to them, both now and in the future. I present the explanatory memorandum to this bill.

Debate (on motion by **Mr Fitzgibbon**) adjourned.

**MIGRATION LEGISLATION
AMENDMENT BILL (No. 5) 2001**

First Reading

Bill presented by **Mr Ruddock**, and read a first time.

Second Reading

Mr RUDDOCK (Berowra—Minister for Immigration and Multicultural Affairs and Minister for Reconciliation and Aboriginal and Torres Strait Islander Affairs) (9.45 a.m.)—I move:

That the bill be now read a second time.

The Migration Legislation Amendment Bill (No. 5) 2001 amends the Migration Act 1958 to allow private sector organisations to provide the Department of Immigration and Multicultural Affairs with information regarding a person's actual or proposed travel to or from Australia.

The Department of Immigration and Multicultural Affairs currently receives travel information from airlines, shipping operators and travel agents.

This information is provided to facilitate speedy immigration clearance.

This information usually includes a traveller's name, nationality, date of birth, sex, country of birth and flight details.

If this information is not provided, there may be significant delays at airport immigration points.

Information may also be provided about travel already commenced or completed by the person, including the route taken.

The purpose of these amendments is to ensure that private sector organisations can continue to provide this information voluntarily without being in breach of the Privacy Act 1988, once amendments to that act covering private organisations commence on 21 December 2001.

From this date, private sector organisations covered by the privacy act will be re-

quired to comply with the national privacy principles.

These principles include a prohibition on the disclosure of personal information for purposes other than the purpose for which the information was given, unless each person consents to disclosure of their details.

Due to the automated information systems used, it is unlikely that every person would be able to give consent to providing DIMA with their travel details. The only viable alternative is to amend the Migration Act to authorise such disclosures.

The amendments contained in this bill will expressly authorise the disclosure of travel information to officers under the Migration Act.

This will enable private sector organisations to continue to provide this valuable information without breaching the requirements of the Privacy Act.

I should like to point out that, while authorising disclosure of travel information, the amendment does not compel organisations to provide this information.

In addition to airlines, shipping operators and travel agents, the authorisation will extend to other prescribed organisations.

This will allow the flexibility to add other organisations should the need arise.

The Attorney-General will be consulted about any proposal to prescribe additional organisations.

I emphasise that this bill is intended to facilitate speedier immigration processing at air and sea ports to the benefit of carriers and their passengers.

I commend the bill to the House and present the explanatory memorandum.

Debate (on motion by **Mr Fitzgibbon**) adjourned.

**AUSTRALIAN CITIZENSHIP
LEGISLATION AMENDMENT BILL
2001**

First Reading

Bill presented by **Mr Ruddock**, and read a first time.

Second Reading

Mr RUDDOCK (Berowra—Minister for Immigration and Multicultural Affairs and Minister for Reconciliation and Aboriginal and Torres Strait Islander Affairs) (9.48 a.m.)—I move:

That the bill be now read a second time.

The purpose of the Australian Citizenship Legislation Amendment Bill 2001 is to update a number of aspects of Australian citizenship law.

The bill flows from the government response to the report of the Australian Citizenship Council, *Australian citizenship for a new century*.

The Australian Citizenship Council reported in February 2000. I released the government response, *Australian citizenship... a common bond*, in May 2001.

The government response is designed to encourage all Australians to value their citizenship and contains a commitment to update and strengthen aspects of citizenship law.

The government agreed with the Australian Citizenship Council that, in its relatively short 52 years of existence, Australian citizenship has been a major success story.

Apart from giving a new and unique legal status to those in Australia at the time of its introduction, Australian citizenship law has evolved to become one of the most welcoming and inclusive in the world and has been the basis for over three million migrants becoming full participants in our society.

The government believes that the overall inclusive and non-discriminatory approach to Australian citizenship, which is premised on welcoming without undue barriers migrants and humanitarian entrants who come to Australia as part of the planned migration and humanitarian programs, should continue as the basis for future Australian citizenship law and policy.

Accordingly, there will be no change to the basic criteria for grant of Australian citizenship, which, in general, are working well.

Clearly, some aspects of citizenship legislation need, over time, to evolve to reflect

the changing realities of the Australian community.

This bill updates aspects of citizenship law, refines and enhances provisions relating to children and young adults and strengthens existing integrity measures.

Turning firstly to the need to update the law on loss of citizenship, this bill will repeal section 17 of the Australian Citizenship Act 1948 so that adult Australian citizens in future do not lose their Australian citizenship if they acquire another citizenship.

The government's decision to proceed with this change follows widespread community consultation over the last few years, undertaken initially by the Australian Citizenship Council and, more recently, by the government through the release of a discussion paper.

Submissions to the government strongly supported repeal of section 17: we have received over 800 submissions since the release of the discussion paper in June this year; almost all supported repeal of section 17.

This change will allow the growing numbers of internationally mobile Australians to take advantage of opportunities overseas while maintaining their links with Australia and bringing back to the Australian community their valuable expertise and knowledge.

It will also bring Australia into line with the citizenship law of many other comparable countries, including the United Kingdom, Canada, New Zealand, the United States of America, France and Italy, to name a few.

The changes will benefit those adult Australian citizens who acquire another citizenship after the new law is passed and comes into effect.

This bill also introduces a number of enhancements to citizenship legislation in the interests of young Australians.

The bill extends the citizenship by descent provisions to allow children born overseas to an Australian citizen parent to be eligible for registration as an Australian citizen by descent until they turn 25 years of age. Currently the age limit is set at 18 years of age.

Similarly, the bill extends the resumption provisions to allow young persons who renounce their Australian citizenship in order to retain another citizenship, to be eligible to resume their Australian citizenship until they turn 25 years of age.

Many young people re-examine their identity and future around the ages of 18 to 25. These changes will give young people more opportunities to acquire or resume Australian citizenship.

The bill will also provide for children under 16 who acquire Australian citizenship by grant with their parent, or at a later date, to be given their own citizenship certificate.

Currently the law requires children under 16 to have their names endorsed on the back of their parent's certificate.

Provision of individual citizenship certificates to these children is an appropriate way to recognise their individual citizenship status and will facilitate their having appropriate citizenship documentation upon reaching adulthood.

Turning to integrity issues, this bill strengthens the integrity of the citizenship process in a number of ways.

Firstly, the bill requires persons aged 18 years and over who seek either to be registered as Australian citizens by descent or to resume Australian citizenship to be of good character.

It is important that these people of adult age be of good character to access Australian citizenship.

Secondly, the bill extends the ban on the grant of Australian citizenship from two years after release from prison to 10 years for a person who is a serious repeat offender.

The government agrees with the Australian Citizenship Council that a period of 10 years represents a more appropriate length of time for any such applicants for citizenship to demonstrate that they are of good character. It also ensures that, if they are going to offend again, they are not able to avoid the possibility of criminal deportation by having obtained citizenship in those circumstances.

Thirdly, the bill introduces powers for the minister to revoke in certain circumstances

the grant of a certificate of citizenship before actual conferral of citizenship and also to defer conferral of citizenship for a 12-month period in certain circumstances.

These changes will ensure that a person does not automatically proceed to become an Australian citizen if, in the period between a decision to grant and actual conferral of citizenship, it becomes evident that the person does not, or may not, meet the requirements for grant of Australian citizenship. That is particularly important if those issues relate to character.

Fourthly, the bill provides the minister with a power to revoke the grant of a certificate of Australian citizenship before conferral of citizenship where the person has failed to make the pledge of commitment within 12 months after being notified of the decision to grant citizenship, without an 'acceptable reason'.

Acceptable reasons will be prescribed in regulations. Currently the Citizenship Act leaves open indefinitely the time a person, approved for Australian citizenship, has to make the pledge of commitment.

I believe that, in their totality, these initiatives will significantly enhance the integrity of the citizenship process.

This bill also extends concessions in relation to meeting the residence in Australia requirement for grant of Australian citizenship, which have been available for many years to people who have served in the permanent Defence Force, to people who have served as full-time members of an Australian reserve force for at least six months.

Although Australian citizenship is now a requirement for service in the reserve forces, this has not always been the case.

There may, therefore, be some people who have spent substantial periods of time in the reserve forces who have not yet acquired Australian citizenship, and such people will benefit from this change.

This change recognises the significant contribution of our reserve forces.

This bill also inserts a note referring to 'people smuggling' offences in the provision

relating to deprivation of Australian citizenship.

This amendment will not change the existing policy settings for deprivation of Australian citizenship.

Rather, it will highlight that a person who committed a 'people smuggling' offence before a decision to grant a citizenship certificate, and is sentenced to imprisonment for a period of not less than 12 months, after lodging the application for the citizenship certificate, may be deprived of Australian citizenship.

The government considers it is important to draw attention to the potential for the existing citizenship deprivation provisions to be used in this way as we wish to highlight the seriousness that we attach to people smuggling crimes.

Finally, the bill makes merit review available for decisions on revocation of the grant of a certificate of citizenship before conferral of citizenship; decisions on resumption of Australian citizenship by young people; and decisions on good character in applications for registration of Australian citizenship by descent.

In summary, this bill will update and enhance citizenship law to improve its operation in some important areas.

This is a very important bill and one which will help create an even more robust Australian citizenship for the 21st century. For that reason I do, with a great deal of pleasure, commend the bill to the chamber and table the explanatory memorandum.

Debate (on motion by **Mr Fitzgibbon**) adjourned.

**MIGRATION AGENTS
REGISTRATION APPLICATION
CHARGE AMENDMENT BILL 2001**

First Reading

Bill presented by **Mr Ruddock**, and read a first time.

Second Reading

Mr RUDDOCK (Berowra—Minister for Immigration and Multicultural Affairs and Minister for Reconciliation and Aboriginal and Torres Strait Islander Affairs) (9.59 a.m.)—I move:

That the bill be now read a second time.

The bill amends the Migration Agents Registration Application Charge Act 1997 to increase the amount of the charge limit for registration applications by migration agents.

A migration agent is someone who uses or purports to use his or her knowledge or experience in migration procedure to give immigration assistance to a visa applicant.

Under the Migration Act 1958, such a person must be registered with the Migration Agents Registration Authority.

The Migration Agents Registration Application Charge Act 1997 imposes a charge on an individual who makes a registration application.

However, the amount of charge that is actually payable is set out in the Migration Agents Registration Application Charge Regulations 1998.

The regulations prescribe different charge amounts, depending on whether an individual acts on a commercial or a non-commercial basis and whether the individual is applying for initial or repeat registration.

At present, some of the charges set out in the regulations are close to the maximum charge limit permitted by the act.

The new charge limit included in the bill will provide a clearer indication that the charges payable, as set by the regulations, are within the charge limit authorised by the act.

The amendments in the bill will not increase the charge payable—this is done by regulation.

The charges in the regulations are set at a level appropriate to provide adequate resources to the Migration Agents Registration Authority to carry out its statutory responsibilities.

The Migration Agents Registration Authority is funded by an appropriation equivalent to the sum of registration application fees that have been collected under the charge act and regulations.

I commend the bill to the chamber and present an explanatory memorandum.