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HOUSE OF REPRESENTATIVES

Votes and Proceedings

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CORRECTIONS

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Tuesday, 19 March 2002

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

HR 40.1.9

PROOF

Question agreed to.

Bill read a third time.

BUSINESS

Rearrangement

Mr HARDGRAVE (Moreton—Minister for Citizenship and Multicultural Affairs) (5.26 p.m.)—I move:

That notices Nos. 2 to 7, government business, be postponed until a later hour this day.

Question agreed to.

AUSTRALIAN CITIZENSHIP LEGISLATION AMENDMENT BILL 2002

Second Reading

Debate resumed from 11 March, on motion by **Mr Hardgrave**:

That this bill be now read a second time.

Mrs DE-ANNE KELLY (Dawson) (5.27 p.m.)—I rise to make some brief comments on the Australian Citizenship Legislation Amendment Bill 2002. This bill will amend the Australian Citizenship Act 1948. It is also the coalition government's response to the report *Australian Citizenship for a New Century*, prepared by the Australian Citizenship Council.

Citizenship is something to be valued. It binds us together as individuals in Australian society. It also binds us together as a nation. In my own electorate there are a great number of constituents that have come from different nations. Mackay, for instance, boasts the largest population of people of Maltese extraction outside Malta itself. It is home to the largest group of Australian South Sea Islanders, whose forbears were brought to Australia as indentured workers in the cane fields. In my electorate we have people who have come from all parts of Europe, including the United Kingdom, Italy, Spain, Germany and a host of other countries. They are all proud Australians, committed to this, their new country. Obviously they retain emotional and family links to the country of their birth, but there is one thing that they all share: pride in being an Australian citizen. Many hundreds of arrivals in Dawson take the oath of allegiance every year, and I am always pleased—as, no doubt, are my colleagues in the chamber—to attend citizenship ceremonies whenever I can.

I note from the *Annual Report of the Department of Immigration and Multicultural and Indigenous Affairs* that the percentage of overseas born people who are now Australian citizens stands at 75.2 per cent. This is very encouraging. In 1986, it was only 64.8 per cent. In fact, in the United States, a country that we know prides itself on the bonds of citizenship—and, in many cases, rightly so—the rate is only 50 per cent to 60 per cent. So Australians can feel justly proud that our rate of citizenship is extremely high.

The principal amendment contained in this bill is a repeal of section 17. This means that an Australian citizen will no longer lose their citizenship if they become a citizen of another country. This is an important issue, particularly for those who look to furthering their careers by working and living overseas.

The repeal of this section brings us into line with other countries such as the UK, the US, New Zealand and Canada, which also do not impose such restrictions.

I am pleased the bill also updates the act in respect of the deprivation of citizenship. While we appreciate those who, for the call of work and for furthering their careers, may have to take out dual citizenship, we also have to address those who in fact are not, regrettably, worthy of citizenship. If a person is convicted of a people-smuggling offence committed before a decision was granted on a certificate of Australian citizenship and is sentenced to 12 months or more of imprisonment, they may be deprived of their Australian citizenship. This is entirely appropriate as we value citizenship. You see very few people who do not value their citizenship as much as those who attend citizenship ceremonies. I think most members in the House would see that as well.

I am reminded of the value of migrants, particularly skilled migrants, to those of us in rural and regional areas, and that includes my electorate of Dawson. I recently met two new citizens who had taken out citizenship—a husband and wife from Russia. They are both mathematics teachers; in fact, they are lecturers at our campus in Mackay. They are great new citizens to have as Australians, making a contribution to education at our campus in Mackay. They join the hundreds of other people every week around Australia who take out citizenship and contribute to rural and regional Australia.

This is a very sensible measure. I am delighted that the minister was at the table earlier to hear the addresses on this bill. This is a strong bill that will encourage those seeking to take out citizenship, but also it will discourage those who are involved in the people-smuggling industry—something that, quite rightly, we all deplore. I am pleased that the opposition is apparently supporting this sensible bill, and I trust that it will have a speedy passage through the Senate. I commend the bill to the House.

Mr HOCKEY (North Sydney—Minister for Small Business and Tourism) (5.32 p.m.)—I would like to commend the member for Dawson for her excellently executed speech on this citizenship bill. I note just how committed she is to representing the people of Dawson across a whole range of issues. As one of those people who have been seared by the blowtorch of the member for Dawson, who has been fighting hard for the people of her electorate, I know of very few people who are as committed to standing up for particularly the small business and tourism operators in her electorate. I look forward to having the opportunity to visit her electorate soon.

Mr HATTON (Blaxland) (5.33 p.m.)—I am glad to speak in this debate on the Australian Citizenship Legislation Amendment Bill 2002. It finally gives justice to all of those former Australian citizens—about 600 or so a year—who have been deprived of their citizenship under section 17 of the Australian Citizenship Act 1948 because they did something to occasion that citizenship being taken away. By and large, the vast majority of those 600 or so a year

chose—because of the responsibilities they had in taking up work opportunities in other places in the world; the world is a more open place and the opportunities were there—to benefit themselves and their families and, more broadly, to benefit Australia. We should take into account that people who take up senior positions with companies overseas return to Australia, after they have fulfilled the goals of their working lives, and bring back a range of experience and a range of skills that simply otherwise would not have been available to them in Australia. The penalty they have had to pay for that is that they have had to give up their Australian citizenship.

That penalty has in fact been too harsh, too unremitting and too uncompromising. This has been the general situation in Australia for many years now, since Australian citizenship first came into being. It started only 53 years ago. One of the acts of the Chifley government was to bring in what became known as the Australian Citizenship Act 1948. They did that in conjunction with putting together the great postwar migration program that helped build Australia. Mr Deputy Speaker Price, you and I share electorates in the south-west and west of Sydney. Our electorates were built in the postwar period and built out of a confluence of the existing Anglo-Celtic people who were a part of those areas, and in my case they were a part of Bankstown.

Up until the end of the Second World War, effectively, Bankstown was a local rural village—although it is hard to believe that now, but it was—of about 5,000 people. In fact, when my grandparents on my father's side first came to Bankstown prior to 1920 and established their small businesses in Bankstown, the local *Torch* newspaper, which began its operation in 1920 and still continues today, had on its front page an ad from my grandfather. But the world in which he operated in Bankstown was a very small one. At that time only about 2,000 people were a part of the Bankstown community. In 1925 when my mother, who was then only a year old, came with her mother and father from West Wyalong in New South Wales, they came to a rural Bankstown. Bankstown has dramatically changed as a result of what happened after the Second World War.

During the Second World War Bankstown was known for two key things. One was that, unbeknownst to almost everyone within the area, underneath Black Charlies Hill was the command centre for Australia's air war in the Pacific. At one stage, after General MacArthur moved his headquarters from Melbourne, it became for a period of time his headquarters in Sydney prior to a move up to Brisbane and then a move on to the island-hopping campaign. That played a significant part in our war effort, as Bankstown as a major war airfield played a significant part as well. Part of what happened there was also the tracking of coastal shipping and so on.

The world of Bankstown during the Second World War was dramatically transformed. Bankstown had been an area where, in its broader reaches at Villawood, there had been a small RAAF base and there were ammunition works in Villawood and Chullora.

But after the Second World War had been prosecuted successfully and after so much toil and so much effort on the part of the Australian population and the allies worldwide, the Chifley government initiated a program to bring people in from all over the world. They came to the electorate of Blaxland, which was only initiated in 1949, and there were two reception centres for migrants—one in Villawood and one in Chullora. Chullora ceased as a reception centre many years ago but it is only a few years ago now that Villawood ceased operation as a migrant reception centre.

Of the people who came to those reception centres, many decided to live locally. They sought work locally in the then only—after you go from Alexandria—seven days a week, 24-hour manufacturing facility that was to be found in Sydney. Bankstown and the electorate of Blaxland were built on the back of the postwar expansion of its industrial and manufacturing capacity. Migrant workers from all over the world streamed into Bankstown through those reception centres and they, in hard times, built their lives and helped to build Bankstown as a significant area. When I went to school there were 30 to 40 different nationalities of people in the Bankstown area, through the 1950s and 1960s, and Bankstown has continued to be a place to take in people from overseas.

The key point I wish to make about the nation building aspect and the local electorate building aspect of those people who chose to emigrate to Australia is that many of them were able to retain dual citizenship. In those days you had to be in Australia for five years before you could apply for Australian citizenship and after the expiry of that time many of those people took it up. That has since been transformed into just a two-year period. Those people who decided to give their blood, their passions, their work and their lives to Australia were able to do so within the context that, in becoming Australian citizens, by and large they were not required to renounce the citizenship that they had previously acquired.

So, under the operations of the act, the people who were penalised were Australian-born and bred citizens who chose to work outside the country and who chose to take up opportunities in other countries in the world, whether in Britain, Europe or the United States. We have a situation where more than 600 a year are in that situation. Sitting opposite we have one member of the House who originally came from the United States and chose to spend his life and efforts in Australia and bring his skills here, working in a series of fields and then becoming an Australian parliamentarian. Under section 44 of the Constitution, Bob Charles was in the position that, as the member La Trobe, he had to make choice. He did so, because there was no way around this—he had to give up his original American citizenship in order to become a member of this parliament. Duncan Kerr is another member, the member for Denison, who had dual citizenship and had to give that up.

I hope for the speedy transmission of the Australian Citizenship Legislation Amendment Bill 2002

from this House through to the Senate. The Labor Party is completely supporting this bill. The bill's foundation measures were undertaken by Labor in government. The report that was not acted upon in 1995—just before the election—laid the groundwork for this and the reports that the government has had given to it strongly endorsed the situation in 1994 and 1995 through to 1997, 1998 and 2000 that the times have significantly changed. Where a previous committee of the parliament totally rejected the notion of dual citizenship, the time has come for us to accept and grasp this opportunity to give to Australian born and bred citizens the capacity to deal at large with the world, to expand their horizons, to open businesses worldwide, to go to where there may be able to achieve their best for themselves and ultimately for Australia if they return by adding their skills into our skill pool.

They will not have to do this on the basis of having something that is important to them—their Australian citizenship—ripped away, because this bill recognises that it is possible to have a duality in terms of citizenship without having a disjunction or duality in terms of loyalty to those countries that you are a citizen of. Many people have had the experience that where they grow up, of course, is the most important place to them—it is what rests in their heart at the deepest level. But they are able, in making a transition as migrants, to give themselves to a new society and hold within their hearts two loyalties, to hold within their hearts two remembrances and to hold within their hearts and minds two fundamental feelings of openness to the originating country and their country by adoption. So for Australians who choose to take that overseas and then bring that back this bill will redress a fundamental problem. We already have in the order of four million of our citizens—just under that—who enjoy dual citizenship.

In terms of the broader pattern, some of those people who enjoy dual citizenship are able to communicate that dual citizenship to their children. The world is a bigger, more open place as a result of what has happened in the past two decades and the opportunities are much greater. It is open for our citizens—if they have the luck because of their parentage or their grandparentage—to go to the United States or Europe, actually take their capacities and their skills there and build a business career within those areas. It is of key importance to us, with both the Asian region and Europe in particular, for Australia to be able to build jobs, industries and businesses that directly connect Australia to the largest centres of economic activity in the world. Given our base of the fifties and sixties, those people who have parents from the Mediterranean and Europe are in a position of utilising the language skills that they have from their parents and their community and the links that are there, so the opportunity is there for us to build substantial businesses and substantial links with a Europe that is opening up economically from the prior torpor that existed through the sixties and seventies. So the opportunities are very great. We need to allow our young people to snatch those opportunities without paying the penalty of losing their Australian citizen-

ship, and that is one of the key reasons why this bill is so important.

Added to that, we have a situation where the penalties provided for people involved in people smuggling and the penalties provided where people have committed crimes against Australia have been toughened up in this legislation. I applaud that move on the government's part to toughen up penalties in those two areas, because we need to ensure not only that this bill makes it more generous in terms of Australian citizens being able to gain a second citizenship but also that we see that the restrictions are tightened for people who transgress, so that it is possible for the minister, acting in a number of ways as covered within this legislation, to take away the citizenship of someone who has transgressed. Although that has been there previously, there are a couple of particular applications within this bill that make it appropriate that where one part of the process is not complete—either the allegiance giving or the certification—the minister can actually take action in those respects.

I will just put in one last comment because I have abbreviated speeches today. When I was a member of the House of Representatives Standing Committee on Legal and Constitutional Affairs and we looked at the matter of dual citizenship for members of parliament, we recommended within our report that it should not stand as it was. The government has not taken that up. This is not a matter that has been put to referendum. But I would hope that after the passage of this bill, when the regularisation of Australian citizens is made and they are not penalised, we would actually look to section 44 and look to the prohibition against someone being a member of this parliament and actually losing their citizenship as a result of that. This is a matter that needs to be put to referendum, and that can be done after this bill has been put through the House.

Mr CHARLES (La Trobe) (5.48 p.m.)—I rise to support this legislation, the Australian Citizenship Legislation Amendment Bill 2002, and I do so believing that it has been a long time coming. I thank the member for Blaxland for his words about my desire to be a member of this place, but actually he was wrong. I did not voluntarily give up my citizenship of the country in which I was born; it was taken from me. I would like to explain those circumstances in the few minutes I have available this evening, to explain why I so strongly support the intent and in fact the actions of this legislation. It is an irresistible, unimpeachable, absolute fact that the world's populations are becoming more mobile. In saying that, I in no way countenance or condone illegal immigration, but I countenance the legal movement of people from place to place all over this great world at will and within the laws of the countries in which they travel.

I came to Australia in 1969. I came as an employee of an Australian subsidiary of a giant American owned corporation. I came to tender on a major contract for a mine up at Gove, on the tip of the Gulf of Carpentaria, for Nabalco. We won the contract, I stayed to be project manager and soon they kept me and made me managing director of the company. We

worked very hard—we did—and I fell very much in love with Australia, Australians and our way of life, and I determined that I wished to stay.

In 1973 I had a falling-out with an American director of my company. I sent a rather nasty telex—remember what telexes are? They are hard to remember, but I remember what telexes are and I remember what I told him. He did not want to put his job where I told him to put it but, in any case, I did. After some lengthy negotiations I refused to take back my decision, and I left the employ of the company. When I did, I determined that I was not going back to the country of my birth although I valued my heritage greatly, and I still do. I will say more on that in a moment. But I determined that I was not going back and that my life was in Australia. I had married an Australian, I had my first Australian child under way and I voluntarily sought Australian citizenship. I was granted that citizenship through a certificate which was issued on 7 May 1974 and confirmed in a citizenship ceremony at the public hall in Doveton, Victoria, on 20 September 1974. I became an Australian citizen, and I was very pleased about that.

Unfortunately, on 6 October 1975 I received a letter from Dean Rusk, Secretary of State of the United States of America at the time. The State Department of the United States believed that people came to the United States but that no-one ever left. His letter to me, personally addressed, three pages as I recall—I cannot find the letter, unfortunately—was titled, ‘A Uniform Loss of Nationality Letter’. It was not a very nice letter and I was not a very happy vegemite, I can tell you. Essentially, they said that I had given up my citizenship—my heritage, my birthright—because I had sworn allegiance to Queen Elizabeth II, and the State Department did not think that was right. I was more than annoyed; I was really upset. A couple of professors at Michigan State University two years hence did a survey in Australia and a few other countries about expatriate Americans who had changed their citizenship and joined the citizens of another country. They were trying to find out how many of them there were and what their attitudes were and what they thought about the State Department’s attitude to people leaving the United States. They said that the Department of State’s attitude was essentially ‘Nobody ever leaves the United States; everyone wants to come here’. That was not right.

Subsequently, I found that there was another gentleman in Mexico who did exactly the same thing I did; that is to say, he changed his citizenship because he wanted to vote. That, essentially, is why I swore allegiance to the Queen—I wanted to vote. I was a bit annoyed at Gough Whitlam and his merry men. They had destroyed the interests that our company sold for capital development and had helped precipitate my leaving the company, of which I was managing director. So I wanted to vote out the merry men of Gough Whitlam et cetera and I could not do that if I was not a citizen. This bloke in Mexico had the same reason. I do not know what happened to him there, but he wanted to vote, so he took out Mexican citizenship. But he did not take Dean Rusk’s letter lying down. He said, ‘No, no, no, I don’t like this.’ So he

took it through the entire court system of the United States all the way up to and including the Supreme Court, on which our High Court is directly modelled, and he won. The Supreme Court said that the Department of State had no right to take from him that which was his by virtue of birth—that it was his right to be and remain an American citizen. The Supreme Court decided that and the Department of State gave him back his citizenship. I could have applied for mine but, by then, I was so well and truly annoyed that I was not interested.

In 1978 the Consul-General of the United States of America finally got around to sending me a letter. It read:

Department of State, Foreign Service of the United States of America, Certificate of Loss of Nationality of the United States, Consulate-General of United States of America, Melbourne, Victoria, Commonwealth of Australia.

I, Thomas B. Killen, hereby certify that, to the best of my knowledge and belief, Robert Edwin Charles was born in Covington, Kentucky on 24 July 1936; that he resided in the United States until 16 September 1969; that he resides now at 67 Buchanan Road, Berwick, Victoria, Australia; that he acquired the nationality of United States by virtue of his birth therein; that he acquired the nationality of the Commonwealth of Australia by virtue of naturalisation; that he obtained naturalisation in a foreign state, to wit, the Commonwealth of Australia, upon his own application on 20 September 1974; that he thereby expatriated himself on 20 September 1974 under provisions of section 349 (a)(i) of the Immigration Nationality Act of 1952 ...

And it goes on. It was signed, ‘Thomas B. Killen, Consul of the United States of America’. All unpleasant and totally unnecessary; there was no necessity for the exercise. As it turned out, the honourable member for Blaxland, who spoke and said that I had given up my citizenship, was slightly wrong: I did not; I did not have to because Dean Rusk did that for me together with Thomas Killen.

There are many Australians who will go overseas in the course of employment, in the course of business or in the course of seeking further education who may want for one reason or another to become a citizen of that country but not lose their citizenship in Australia. I point out to the House that there are approximately 4.4 million Australians who have come here from another country and who have retained the citizenship of that country when they have taken out citizenship in Australia. I attend citizenship ceremonies at every possible opportunity and I consider it a great privilege and honour to be there. For those individuals, taking out Australian citizenship is one of the most important days of their lives. I tell them that they need not give up their heritage—that which represents the country of their birth. We do ask them to be good Australians and to abide by the law. We ask them to participate in our society and we ask them to be active citizens, but we do not expect them to give up their heritage or their birthright. This is a piece of legislation which is long overdue. I congratulate the government in bringing it forward, I thank the opposition for their support and I thank the House.

Mr SERCOMBE (Maribyrnong) (5.58 p.m.)—As the member for Latrobe said, the Australian Citizen-

ship Legislation Amendment Bill 2002 is, indeed, a welcome piece of legislation and somewhat overdue. Many speakers have been through the importance of the bond of citizenship for people from many parts of the world who now reside in Australia, so there is no point in me recapitulating other than to note that my electorate is probably one of the most ethnically and culturally diverse in the country. It is a great honour to be able to see the way in which Australian citizenship brings people together and provides a common characteristic. In my electorate, it is quite common for people of, say, Serbian cultural heritage to be living in relative harmony alongside people of Croatian, Bosnian or Albanian heritage—or people of Sri Lankan heritage, both Tamils and Sinhalese, and people from Cyprus, both Turks and Greeks. They are able, through that common bond of citizenship, to have a common view and, hopefully, and I think in many tangible ways, actually, to contribute not only to reconciliation within Australian society but also through their example to progress in relations in their former homeland as well. So our citizenship is a most important phenomenon and one that all members of the House ought to put great premium on.

As other members have indicated, we live in a rapidly changing, rapidly globalising world, so we do have a situation where a great many Australians quite naturally spend extended periods of time overseas. Those Australians should not be disadvantaged vis-à-vis other Australians—as I think happens under the shortly to be repealed section 17—when it comes to their rights in Australia or, for that matter, their rights overseas. They should have the opportunity to have the same status as some four million other Australians who were referred to earlier who, by right of birth and subsequent migration to Australia, do enjoy dual citizenship rights. From that point of view the legislation is important as it encourages Australians to play an important role in the globalising world. Australia is a country that has a particular need to maintain strong and powerful links. We are a trading nation and we are a nation that has historically needed strong links with other parts of the world, so this legislation has provision to make it easier for Australians to play that role and not be disadvantaged as a consequence.

The bill has an additional number of very useful aspects. It is helpful that children who have become citizens under the grant of their parents will now, through this legislation, be able to obtain their own certificates. Clearly, family circumstances—and sometimes very tragic circumstances—change, and people can have difficulty in obtaining a certificate from their parents. So the new provision is a sensible and welcome change. Also, the provision for extending citizenship by descent—allowing children born overseas to an Australian citizen to register as an Australian citizen until they reach the age of 25—is a welcome provision. Also welcome is the provision that allows young people who, not necessarily as an act of their own will, directly renounced Australian citizenship to become eligible to resume that citizenship before the age of 25. As the minister said,

between the ages of 18 and 25 many young people examine their identity, so it is an important time.

Whilst this particular provision is welcome, though, I do not believe that it necessarily goes far enough. In my own electorate—in fact, in my own family—I have quite a deal of contact with the Maltese Australian community. Fairly frequently I come across Maltese people who, perhaps as children, were part of the great wave of migration to Australia in the 1950s and 1960s—and of course this applies to people who came here from many other countries. These people may have been educated to a certain point in Australia and then may have returned, perhaps because of family or other circumstances, with their parents to Malta, say. Now, aged over 25, often they still maintain very close family connections with Australia and with Australians. Members who have been to Malta, as have I, will be very aware that just about everywhere you go in Malta you will meet someone who has been to Australia or whose aunt or uncle is in Australia. One gets the impression in an electorate such as mine—St Albans—that there almost as many Maltese as there are in Malta itself. It is a very common situation, and one that often imposes severe hardship, for young people who have gone back to Malta who are now over the age of 25 to have considerable difficulty having their citizenship restored here. I think the opportunity ought to be taken sooner rather than later for this to be looked at again.

To quickly use Malta as an illustration, I am advised that when Malta attained independence from Britain in 1964, I suppose not unnaturally the newly independent country adopted a fairly nationalistic position regarding its own citizenship. Laws were introduced in 1964 whereby, when a person reached the age of 18, they were required by the authorities to choose to either retain or renounce their foreign status. That act of renunciation was required before the age of 19; otherwise their Maltese citizenship went out the window. That would have had extremely dramatic effects on many young Australians who had returned with their parents to live in Malta. For example, tertiary education in Malta is free to Maltese citizens, and they can in fact receive a stipend from the government. However, had they remained Australians, they would have been required to pay tuition fees and they would not have received a stipend.

In relation to many areas of employment—the public service, the banks, the armed forces and the legal profession—foreign passport holders are ineligible. A work licence is required by a person holding a foreign passport. A foreign passport holder is required to obtain a permit to purchase property, and significantly different considerations apply which, given the brevity of this speech, are too numerous to go into. It is important to note, though, that a person holding an Australian passport who is living in Malta would certainly not be able to take advantage of cheaper housing opportunities, concessional loan arrangements and so on. Similarly in the banking system there are significant disadvantages for foreign passport holders. This is also the situation with social security benefits and the like.

Many young people who for all practical purposes regard themselves as Australians returning to Malta with their parents in the past who are now over the age of 25 are at a significant disadvantage. I certainly suggest that during the life of this parliament, without delaying this legislation, the government might consider that an appropriate parliamentary committee should look at whether there is a case for having another look at the situation of people past the age of 25. As I understand it, there are provisions in the legislation whereby people can have their circumstances considered if they can make a statement in relation to intention to return to Australia within a relatively short period of time after their case has been considered. As some people have suggested, it may well be that there is a bit of an incentive in the system for people not to be totally frank when they answer questions about their future intentions. It seems to me that a much cleaner and clearer approach is to have a situation where in fact people in countries such as Malta who have spent a significant part of their childhood in Australia, and who continue to enjoy close family and sentimental attachments to Australia, could have opportunities beyond the age of 25 considered. I certainly urge this parliament, whether through a committee or otherwise during the life of this parliament, to give those issues very close consideration.

Mr PRICE (Chifley) (6.08 p.m.)—Like all other speakers, I am speaking in support of the Australian Citizenship Legislation Amendment Bill 2002, which essentially removes section 17 of the Australian Citizenship Act and permits dual citizenship in Australia. Quite a number of countries are now allowing dual citizenship: as of June last year—if I could just read some of those 27—Canada, France, Ireland, Italy, Malta, Netherlands, New Zealand, Portugal, Spain, Switzerland, United Kingdom and the United States. We are hardly breaking the mould in agreeing to this proposal. Having listened to some of the other contributions in the House, I am strongly of the view that we are a very fortunate country in terms of the number of migrants we have had come to Australia. It assists us not only economically but also politically in engaging with the rest of the world. I think it gives Australia a considerable advantage. It gives us an advantage economically, it gives us an advantage culturally and I believe it also gives us an advantage politically. I am very strongly in favour of this particular proposal.

I do have some strong views about citizenship. I welcome another of the recommendations of the Citizenship Council—the one that is being introduced being one of them—and that is the ability for Australian citizens to reaffirm their oath or affirmation of allegiance. For people like me, to prove that you are an Australian citizen, your birth certificate is your passport to citizenship. I am sure that all other honourable members do the same thing and feel exactly the way I do at citizenship ceremonies. We are really pleased and very proud that people who have made a tough decision in so many cases to come to Australia—to forsake all their relatives, their friends and the things that they feel very comfortable with—come to

Australia and become Australian citizens. I congratulate them. I love writing to them and expressing my sincere congratulations and appreciation, firstly, for their decision to become a citizen and, secondly, for joining the great Australian family.

I do not want to sound like a whinger, but they get a beautiful citizenship certificate. It is very nice and, invariably, it is a source of pride for our newest citizens. I think it would be nice that, if Australian citizens are of a mind to reaffirm their allegiance and citizenship, they be permitted to do so and also be given a certificate of Australian citizenship. I think it is a great irony that our newer citizens have a certificate but people like me and so many others who are born into citizenship really only have a birth certificate as evidence. I understand that the Citizenship Council did not recommend it but it is something that I feel very strongly about. The older I get and the more I have an opportunity to see different parts of the world, the more I come home intensely proud of Australia and intensely proud to be an Australian citizen. Some people might object and say that this is just a bit of nationalism going too far but, for my part, I am never embarrassed to confess how intensely proud I am to be an Australian, to be part of this country and to be a citizen of this country, and I too would like a certificate. I suspect that there would be a lot of other people who would welcome an opportunity to reaffirm their allegiance as citizens, to reaffirm their citizenship and to actually get a certificate that they too could proudly display.

Another aspect about citizenship, which was briefly touched on by the honourable member for Blaxland, was the period of time it takes to become an Australian citizen. I am fervently of the view that we should treat citizenship as something of the utmost seriousness. I think it is true to say that councillors do a pretty good job in administering the oath or affirmation and I never fail to thank them on behalf of the federal government, whatever particular flavour it may be. But I think we could do even more in terms of the ceremony. My main point is that I believe that we should revert to the five-year period and I suggest that when people come here on what is currently permanent residency they should come here on either temporary or transitional residency for a period of maybe one or two years. Once they are through that period, they should have a period of permanent residency and then, finally, citizenship. The argument is that a lot of people would fail to become citizens for a further three years rather than the current two years. My belief about the five years is underpinned by the importance and value I attach to citizenship; hence, I would recommend a five-year period.

In relation to dual citizenship, I need to make the following comment: every time I go to a citizenship ceremony in my electorate, the largest group is usually Filipinos. They are the most rapidly growing group in my local government area and are making a great contribution to the electorate of Chifley. We also get a whole variety of other people. Occasionally, you will get someone who has been in Australia for maybe 20 or 30 years. They are often citizens of the United Kingdom. I am very delighted that they

have made a decision to become Australian citizens. In fact, I have persuaded a few of them to become Australian citizens. The highest number of permanent residents who are not citizens are in fact people from the UK. There are a number of reasons for that. One reason is that they used to enjoy every right, including voting. But the change to electoral legislation means that, if they were to fall off the roll for whatever reason, they would have to become citizens to get back on it. They had pre-existing rights, and I guess they felt very comfortable with them and maybe did not see the need to become a citizen of this country. The other reason may be that they valued having a British passport and returning to the UK. If they had become Australian citizens at that time, they would not have been able to enjoy that privilege. I hope that the provision for dual citizenship in this legislation will mean that the take-up rate for citizenship amongst permanent UK residents will increase quite dramatically. If that is one of the outcomes of the bill, I would be very delighted.

The honourable member for Blaxland talked about what his electorate was like when he was growing up and what a rural area it was. I spent my earliest years in a place called 'Little Malta' which was around the Greystanes area. I am ashamed to say that we thought that people who lived beyond the Prospect Hotel, where I currently live, were absolute country hicks. As a teenager, I moved there. The Maltese previously were the largest single migrant group in my electorate. They held that place for many years and have only just recently been overtaken by the Filipino community. John Aquilina was the state member for Blacktown, which would have been in my electorate. He is now the member for Riverstone. He is a very notable son of Malta who came to Australia and became the first Maltese mayor of Blacktown City. He did a great job as the mayor and is now a minister in the Carr government. He serves as a great role model for our Maltese community. I sincerely hope, with the Maltese community becoming an older and much more established community, that some of the younger generation, or second generation, will follow in his footsteps.

I await the day when I can talk very proudly in this House about the Filipinos in my electorate who become Australian citizens and go on to serve, maybe in local government, as a councillor on Penrith City Council or the Blacktown City Council. No doubt we will see one of them become a state or federal member in the years to come. People in my electorate from the Turkish, Egyptian—Egypt provides for dual citizenship—Croatian and Serbian communities would welcome an opportunity to have dual citizenship. They are intensely proud of this country. They have served this country exceptionally well and have contributed so much to it. I have often said that the great irony is that the migrants who came in the Labor-led postwar migration boom and who have contributed so much would be rejected if they were to apply today—every one of them. They could not get through. They would not be able to make that contribution.

I wish to leave honourable members in no doubt that I totally support this bill. I am intensely proud to be an Australian citizen. If I am accused of being too nationalistic, so be it, but I think it is terribly important. As I said, I would like to see myself and others who wish to take a reaffirmation of citizenship receive a certificate with it. I am particularly delighted with the recommendations of the Citizenship Council, in particular this recommendation that the government is implementing.

Mrs CROSIO (Prospect) (6.22 p.m.)—I too rise with this side of the House and, for a change, commend the government for introducing the Australian Citizenship Legislation Amendment Bill 2002. The repeal of section 17 of the Australian Citizenship Act is certainly not before time. For some years now I have had notices of motion on the business paper in the House seeking at least a private members debate on why we should repeal this particular section of the act and bring in a citizenship legislation amendment bill. Of course, this debate was scheduled before the last election, but I am pleased that at least we are having a debate on it now.

I suppose I speak from experience, since my sister married an American sergeant during the war—and I might add she is the eldest of the family—went to America and kept her very proud Australian citizenship. By 1962 she noted that her children were starting to grow up in America, and she took out then American citizenship. Naturally, as the law stood then, she had to relinquish Australian citizenship. I will never forget the time she wrote home to tell my mother that she would have to relinquish her Australian citizenship, because being in America, being married to an American and having children born in America, she was now going to take on their citizenship. I think my mother cried for a week. We tried to sort it out with her and get her to understand and appreciate the laws in our country—that we are one of those countries that requires you if you take citizenship of another country to relinquish your Australian citizenship.

I suppose I can go even further than that, because I have a son who works overseas. He has been very reluctant in applying for Thai citizenship and has restricted himself in doing so because he does not want to relinquish his Australian citizenship. Continually, when he is on the phone or when he comes to see me or I see him, he says, 'Are we going to amend our laws; there is no way I would take out Thai citizenship.' Even though his wife is Thai and his twin boys have been born in Thailand, there is no way he would take out Thai citizenship unless he were able to retain his Australian citizenship.

I started to think also of constituents of mine in my electorate of Prospect. I can proudly say that the local government area alone of 200,000 citizens makes up probably 52 to 53 per cent of people born overseas. In our electoral offices we continually hear statements about people coming from another country and swearing allegiance to Australia while at the same time retaining their own citizenship. This particularly galled me because I used as an introduction

to this debate tonight the case of my sister having to relinquish, in 1962, Australian citizenship to take out citizenship with America. But I have American friends who have settled in Australia and who have taken out Australian citizenship and—you have guessed it—very proudly retained their American passport. One day when I said to one of them, ‘Why do you do that? I’m very proud that you have decided to live in our country and take out our citizenship; you are still proud of the country of your birth,’ they said, ‘We’d never give that up.’ I said, ‘I find it ironic, because if you are born in this country you have no choice,’ and I then went on to explain the case of my own family.

But I think it means more than that. We have to acknowledge that so many talented people have gone overseas to other countries and, through those other countries, have taken on certain training, certain qualifications. They are what we call expatriates in other countries. While they are there, they are involved for many years in what is happening in that particular country. In the past, they have been reluctant to take out the citizenship of that country and relinquish Australian citizenship—and nor should they relinquish Australian citizenship.

When we look at some of the examples given to us by those who say that we should not repeal section 17 of the act and bring in dual citizenship, we are saying to those people who have been born and brought up in this country, who have been trained in this country and who are taking that expertise to other countries, ‘We don’t give you the right to settle anywhere else.’ Nine times out of 10, because they are so proud of their country, if people marry overseas they come back to Australia to live. We have provided an opportunity for people to, as I said, express the desire to have dual citizenship but we have not done it in Australia. As the member for Prospect, I am pleased that this bill has finally been brought into this House and I particularly am pleased that the debate is now proceeding.

Ms JANN McFARLANE (Stirling) (6.26 p.m.)—I am pleased to be able to speak tonight on the Australian Citizenship Legislation Amendment Bill 2002 and bring the many interested voices from my electorate of Stirling into this debate. My electorate is particularly interested in the first four aspects that the bill proposes to change. The first aspect is to repeal section 17 of the Australian Citizenship Act 1948 with the effect that adult Australian citizens do not lose their Australian citizenship on acquisition of another citizenship. The second point is to extend the descent and resumption provisions to give young people more opportunities to acquire Australian citizenship. The third point is to provide for children who acquire Australian citizenship with their responsible parent, or at a later date, to be given their own citizenship certificate. The fourth point is to strengthen aspects of the integrity of the Australian citizenship process. The fifth aspect is a bit problematic—and my constituents are a bit bemused as to why it is in there. It is the proposal to insert a specific reference to people-smuggling offences in the existing provision in the Australian Citizenship Act 1948,

which provides for the deprivation of Australian citizenship in certain circumstances.

Why is my electorate interested in this bill? Stirling is a wonderful place to live because of its glorious beaches, its lovely nature reserves and, most especially, the diverse and vibrant community created by the people who live there—people from many places and cultures. Stirling is a metropolitan electorate; it is not inner city. It is probably most aptly described as suburban. I am sure it fits the mental image conjured up when the media uses the words ‘middle Australia’. As the federal member for Stirling, I am aware of the wonderful contribution immigrants make to our society. Stirling is the most multicultural of the 15 electorates in WA, with the 1996 census showing 32 per cent of the constituents being born overseas. It is because of the interest of Stirling’s immigrants, their children and grandchildren in holding dual citizenship that they asked me to speak on this bill today.

The main feature of this bill is the repealing of section 17 of the Australian Citizenship Act 1948 to allow dual nationality/citizenship. In the next couple of weeks when this bill passes through the House and the Senate and becomes law, it will be possible for Australians to hold dual nationality. The amendment will be an encouragement for those Australians who work overseas to be able to maintain their dual nationality and thereby return at a later date. It is an attempt to counteract the current brain drain of our nation’s intellectual and skilled elite. It is an attempt to recognise the reality of a globalised labour market. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Sitting suspended from 6.30 p.m. to 8.00 p.m.

SECURITY LEGISLATION AMENDMENT (TERRORISM) BILL 2002

First Reading

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

Second Reading

Mr WILLIAMS (Tangney—Attorney-General) (8.00 p.m.)—I move:

That this bill be now read a second time.

The Security Legislation Amendment (Terrorism) Bill 2002 is part of a package of important counter-terrorism legislation designed to strengthen Australia’s counter-terrorism capabilities.

Since September 11 there has been a profound shift in the international security environment.

This has meant that Australia’s profile as a terrorist target has risen and our interests abroad face a higher level of terrorist threat.

Australia needs to be well placed to respond to the new security environment in terms of our operational capabilities, infrastructure and legislative framework.

This package and other measures taken by the government are designed to bolster our armoury in the war against terrorism and deliver on our com-

upon any lawfully intercepted information that may give rise to a decision to dismiss an officer.

In particular, the amendments will ensure that commissioners are able to appropriately deal with corrupt conduct where evidence of that conduct is found in lawfully intercepted information.

The bill also amends the act to include the recently established Western Australian Royal Commission into Police Corruption as an eligible authority for the purposes of the act.

This will enable intercepting agencies to communicate relevant intercepted information to the royal commission, much as they were able to do in relation to the Royal Commission into the New South Wales Police Service. The amendments will not, however, permit the commission to apply for warrants in its own right.

The bill also amends the act to permit intercepted information to be used in connection with the investigation of serious improper conduct by the Anti-Corruption Commission of Western Australia.

The amendment will permit the Anti-Corruption Commission to more effectively discharge its function of investigating allegations of corrupt conduct, criminal conduct, criminal involvement or serious improper conduct by police officers and other public officers.

The bill also effects a number of amendments to reflect the recent merger of the Queensland Crime Commission and Criminal Justice Commission to form the Crime and Misconduct Commission, clarify selected aspects of the act, and ensure the ongoing effective operation of the Australian telecommunications interception regime.

In addition to the amendments with respect to telecommunications interception, the bill also amends the Customs Act 1901.

The bill amends that act to permit a judge of a court created by parliament to consent to be nominated to issue listening device warrants under the act.

This amendment will have the effect of extending the class of persons who may consent to be nominated to include federal magistrates.

In this respect the amendments will bring the act into line with analogous provisions in the Australian Federal Police Act 1979.

Summary

This bill effects important amendments to the offences for which interception warrants may be sought.

These amendments are designed to assist the ability of law enforcement agencies to investigate serious and heinous crimes such as terrorism, child pornography and serious arson offences.

The bill clarifies the application of the legislation to modern means of communication.

The bill also effects amendments to the agencies who may receive intercepted information and in what contexts, the purposes for which intercepted infor-

mation may be used and other amendments designed to improve the operation of the legislation.

This bill was originally introduced prior to the last election.

Since that time, it has been amended to include offences constituted by conduct involving acts of terrorism as offences in relation to which a telecommunications interception warrant may be sought.

These changes are part of the package of counter-terrorism measures designed to bolster our armoury in the war against terrorism.

These measures demonstrate the Howard government's commitment to ensure we are in the best possible position to protect Australians against the evils of terrorism.

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

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

CHRISTMAS 2001 BUSHFIRES

Report from Main Committee

Order of the day returned from Main Committee for further consideration, certified copy presented.

Ordered that the order of the day be considered forthwith.

The DEPUTY SPEAKER (Mr Barresi)—The question is that the motion be agreed to.

Question agreed to.

BILLS REFERRED TO MAIN COMMITTEE

Mr LLOYD (Robertson) (8.42 p.m.)—by leave—I move:

That the following bill be referred to the Main Committee for consideration:

Taxation Laws Amendment (Film Incentives) Bill 2002

Question agreed to.

PARLIAMENTARY ZONE

Approval of Proposal

The DEPUTY SPEAKER (Mr Barresi) (8.42 p.m.)—I have received messages from the Senate transmitting the following resolutions agreed to by the Senate:

That, in accordance with section 5 of the Parliament Act 1974, the Senate approves the proposals by the National Capital Authority for capital works within the Parliamentary Zone, being—the construction of two outdoor playgrounds for the childcare centre in the Treasury Building, and the refurbishment of the former Communications Centre in the John Gorton Building.

AUSTRALIAN CITIZENSHIP LEGISLATION AMENDMENT BILL 2002

Second Reading

Debate resumed.

Ms JANN McFARLANE (Stirling) (8.43 p.m.)—As I was saying before the adjournment, the amendment is an encouragement for those Australians who work overseas to be able to maintain their dual nationality and thereby return at a later date. One of the more conventional strategies has been the reinvigoration and re-funding of our research and development sector and the proper funding and resourcing of

our higher education sector as methods for attracting skilled Australians to return home.

I can see another benefit in the repeal of section 17 of the Australian Citizenship Act 1948, which is that it is an important step towards meaningful multiculturalism. We have long since abandoned the concept of assimilation as a nation, in recognition that integration of other cultures is a far more appropriate and beneficial model. And yet in recent times the old fears and insecurities, the ethnocentrism, have surfaced again in our society and we have heard in our own country and the international media the call for the reintroduction of those outdated and objectionable practices. With Stirling constituents, I believe that the repeal of section 17 is an important step away from the cloud of recent discussions. The reason for this belief is simple: it may merely be symbolic but the recognition of our citizens' past, recognition that their country of birth and culture of origin play an important part of who they are, can only enrich their contribution to Australian society.

By repealing section 17 we allow those Australians born overseas and their children to maintain their ties with their homeland. It also helps them better understand their history. It also leaves the opportunity open for those Australians who leave our shores to live and work overseas, taking up new citizenship in other nations, to return and allow those ties and experiences to benefit us all. It shows that as a nation we are maturing and are confident enough in our own right to not feel threatened by the thought that someone can be both Australian and Yugoslav or both Australian and Greek, Italian, Chinese, Sudanese, Vietnamese or Indian. I could go on for the rest of my time listing the many ethnic groups that make up the tapestry of Australian society. They are many and varied, as are the ways in which they contribute. It pleases me no end that we are able to recognise this past and accept that it is a positive element in our joint task of building together a future for all Australians. It is unhelpful to the development of social cohesion when I hear people speaking against the notion of dual citizenship and nationality, because they believe you cannot love or have allegiance to two or more countries. Yes, every day we all experience and see situations where people can hold love, allegiance and loyalty to a range of family, friends and organisations.

Since being elected to this place in 1998, I have worked hard with my staff to build meaningful relationships with the various ethnic groups and organisations within the Stirling community. The pride and genuine love with which these people hold Australia, their adopted homeland, is inspiring. I would like to take this opportunity to outline some of the groups that operate within my electorate and the contributions they make to the people of Stirling. Foremost in my mind is the Northern Suburbs Migrant Resource Centre. This is close to my heart as, prior to my election to this House, in the mid-1990s I was a founding member of this organisation and helped set it up.

The main function of the centre is to provide resettlement services and ongoing support to migrants.

The centre is to be commended for the clear and understandable advice it provides to newly settled migrants, for the way in which it has facilitated a culture of cooperation within the different ethnic groups that use the services and facilities of the centre, and also for the supportive way in which it assists migrant families to understand the structure and workings of Australian society and to participate in their local community. As a non-profit organisation, the centre encourages migrants to become involved in the running of the centre, which then enables them to develop skills and understanding in how business and bureaucracy work. These skills and abilities are invaluable in allowing them to fully participate within our community. The centre also assists them with their job hunting and with helping their schoolchildren settle into the education system.

The Siciliana Club springs to mind when I think of an example of an ethnic group who have worked hard to both maintain a strong cultural identity whilst doing all they can to work for their local community. This group demonstrate devoted loyalty to their neighbourhoods and family. They are generous to other groups within the community in allowing the use of their premises, and they maintain a strong sense of civic pride and involvement in mainstream community services. As a long-term migrant group within our community, this legislation will be greatly appreciated by Italian-Australians, many of whose children are now wanting to explore their heritage and the place where their parents and grandparents migrated from. They are no longer under threat of losing their citizenship for wanting to understand where they and their families originated.

The Perth Jewish Aged Homes Society Inc. have provided a network of aged care services, thus filling an important area of need in our community. Aged care is a sector that is hurting under the lack of a meaningful capital works program, and Stirling is experiencing a real lack of facilities. The Jewish community's commitment and efforts in this area have benefited not only their own community but also the entire Stirling community. They have recently been successful with their application to obtain 10 much needed dementia bed licences, services that are sorely lacking in Stirling, as indeed they are in Western Australia as a whole.

The Macedonian United Society provide cultural and recreational facilities and regularly organise cultural events for their community, as well as a program for young people from their community and the broader community. The Maco Disco is one of the most popular community events in the Stirling area. The society have been very involved with organising social and sporting events that add greatly to the Stirling community. Their participation in civic and community life is to be commended. Similarly, the Yugoslav Club and the Pan Hellenic Association also provide a range of services helping to enrich the local community. The generosity of these organisations to other groups within Stirling is also to be commended. Without their support many groups would simply not be able to make their contribution in turn. One of the groups that rely on the generosity of the above men-

tioned organisations for use of their facilities is the Vietnamese community in Stirling. This group works hard to present cultural and educational events for all the community to enjoy, as well as running a successful youth project.

These are just a few examples of the many groups contributing to the community of Stirling. I have not even mentioned the personal contributions of individuals because if I did I can assure the House I would be here all night. I would like to extend my gratitude and congratulations on behalf of the electorate of Stirling to all those groups that I have not mentioned here. You play an important role in making our community the great place to live in that it is, and we truly appreciate it.

Another positive factor of this bill is that it will raise the age for resuming citizenship or applying for citizenship by descent from 18 to 25 years of age. Previously, to claim citizenship by descent or to resume citizenship when it was renounced by their parents, a person needed to claim it before they turned 18. At that age a person has barely begun to consider themselves as a separate entity from their parents, let alone considered issues of nationality and identity in the future. This will allow time for them to experience life. For many reasons this is a great bill and the amendment will go a long way to making many people happy for many reasons. I commend this amendment to the House.

Mr MOSSFIELD (Greenway) (8.51 p.m.)—I rise to speak on the Australian Citizenship Legislation Amendment Bill 2002. This bill is identical to one introduced in September last year that lapsed when the parliament was dissolved for the election. Labor indicated when the first bill was introduced that we would be supporting it without amendment, and that remains our position today.

The bill comes as a result of the recommendations made by the Australian Citizenship Council, chaired by Sir Ninian Stephen, in the 1999 report, 'Australian Citizenship for a New Century'. The Joint Standing Committee on Migration also examined the issue of citizenship, making several recommendations with their September 1994 report, 'Australians All—Enhancing Australian Citizenship'. The committee was chaired by Senator Bolkus and included both Clyde Holding and Philip Ruddock—all three of whom have served as ministers in the immigration portfolio.

There is wide-ranging support for this legislation, as we have heard from speakers on both sides, both inside and beyond this place. It must be remembered that, although we have been a federated nation since 1901, Australian citizenship has only existed since Australia Day 1949 when the Nationality and Citizenship Act 1948 came into effect. The act is now known as the Australian Citizenship Act 1948 and it is what we are amending with this bill. The primary change that this bill introduces is the repeal of section 17 of the act. This section states that:

(1) A person, being an Australian citizen who has attained the age of 18 years, who does any act or thing:

- (a) the sole or dominant purpose of which; and
- (b) the effect of which;

is to acquire the nationality or citizenship of a foreign country, shall, upon that acquisition, cease to be an Australian citizen.

(2) Subsection (1) does not apply in relation to an act of marriage.

In other words, section 17 expressly forbids dual citizenship for Australian born citizens.

Dual citizenship has been a reality in Australia since the postwar migration boom, when we gave thousands of people Australian citizenship without demanding that they relinquish their native citizenship. It is a great credit to the leaders of that time that they allowed that to happen; it is what built the foundation of our modern, multicultural society. Citizenship is about involvement and inclusiveness—about allowing people to fully participate in society not only to gain the benefits that citizenship brings but also to take on the responsibilities that citizenship entails.

Our leadership of the time took the view—and rightly so—that, in order to participate in our society and gain the benefits of being a full citizen of our nation, one need not give up the nationality or the citizenship of one's native land. One could show a commitment to this country without betraying one's heritage. Unfortunately, this seemed to be a one-way street. There was a group of citizens who were barred from holding dual citizenship. There was a group of citizens who we believed could not show commitment to a new land while still retaining the citizenship of their country of birth. I am talking about Australian born people. Section 17 prohibited Australian born people from taking up the citizenship of another country unless they also gave up their citizenship of Australia. It was a clear double standard. Someone coming here could take up the benefits and responsibilities that citizenship holds without giving up their previous citizenship, but an Australian living and working abroad could not take up the full benefits that citizenship of their host country would bring them without giving up their rights to Australian citizenship.

I have recently received an email from the son of a constituent. His name is John Paton and he is married to a Canadian and living in Alberta, Canada. I would like to read extracts from that email that I think emphasise the issues we are discussing in this debate. Mr Paton says:

Yesterday I received a wonderful surprise in the mail. My parents had mailed me the information you provided to my father about the possibility of dual citizenship becoming a possibility for Aussies living overseas. In addition, the Aussie flag you gave my dad to give to me was in the package they sent. Our kids were very excited with it all. Thank you so much.

Further on he says:

The current Constitution of Australia allows for children born overseas of Australian parents to become Australian Citizens if application is made before their 18th birthday. In our case it is Australian "parent", not "parents" as I am an Aussie, but my wife is Canadian. I am hoping that the fact that one of us is Australian will allow us to obtain citizenship for two of our three children who are Canadian

(our eldest son was born in Sydney). Could you please check on this?

If there is any need to clarify that, I hope that the minister himself will clarify it in response to this debate. Further on, emphasising the problem we are endeavouring to overcome with this legislation, Mr Paton says:

As the Ministry of Alberta Education requires any immigrant teacher to become a Canadian Citizen within 7 years, or lose their teaching certificate, I decided not to continue my profession here. I knew that becoming a Canadian Citizen would require me to relinquish my Australian Citizenship and I was more prepared to forgo my teaching profession than to give up my birthright. I have always felt it very unjust that many Western countries allow their citizens to maintain the citizenship of their birth if they take on citizenship of another country, while Australia made their citizens in the same situation give up their citizenship.

So that is a practical example of the problem that we are overcoming in this legislation. Further, in many countries, the right to own property, for example, is a right preserved for citizens. An Australian working in one of these countries could not purchase a home unless they took out citizenship, but if they did that, they would lose their Australian citizenship.

Citizenship is not immune from the changes that globalisation is bringing. We are now engaged with the wider world and more and more Australian citizens are living and working overseas. Should we deny them the opportunity to participate in the societies and communities where they have chosen to live by saying to them that, if they do, they will stop being Australian? The question is: are we mature enough to realise that, even if someone takes citizenship of another country, for whatever reason, they can remain very much Australian and they should not be denied the rights and responsibilities of citizenship here? This piece of legislation and the bipartisan support it has would indicate that, yes, we are mature enough as a nation to handle the issue of dual citizenship. We can recognise that, just because somebody takes up citizenship of another country, they do not automatically stop being Australian.

We are a multicultural country but we have our own identity. We are a proud nation, and citizenship is not taken on or disposed of lightly. The diversity that we have, the mixing and intermingling of nationalities, is one of the greatest achievements of postwar Australia. Migrants not only built great monumental works such as the Snowy Mountains scheme but helped to forge a new nation, a new Australia, as well. Dual citizenship was a reality for them and it should be an option for us all.

One of the great pleasures I get as a member of parliament—a true perk of the job—is the fact that I get to attend the citizenship ceremonies that are held in my electorate. These citizenship presentations are held around eight times a year, and probably 1,600 people receive Australian citizenship each year. Every month more and more people make a commitment to Australia, to our community. They stand up in public and they say:

From this time forward, I pledge my loyalty to Australia and its people, whose democratic beliefs I share, whose

rights and liberties I respect, and whose laws I will uphold and obey.

That is a powerfully simple statement, yet it is also all encompassing. We do not demand that they give up their previous citizenship. There is no 'and I hereby renounce' clause thrown in. I would imagine that fewer people would take citizenship, fewer people would fully participate in our society, if we added such a renunciation clause. Yet we hold our own citizens to a different standard—or at least we have done so prior to the passage of this bill.

I have said in this place on a number of occasions that the world is changing rapidly. Globalisation dominates our lives, and we are engaging in the wider world with far more frequency and depth than ever before. The world is changing, and the attitudes of peoples and governments to citizenship are changing too. Already we have seen similar sections in legislation preventing dual citizenship in other parts of the world being repealed. The US allows for dual citizenship where they did not before. Similarly, Canada have moved this way. Most European nations also now allow for dual citizenship. Australia is taking its place in the world community by allowing our citizens the same rights that others elsewhere have.

The repeal of section 17 is a major reform but it is not the only reform that this legislation represents. Changes will be made to section 10B, which deals with citizenship by descent. At present someone born overseas to Australian parents has to register for citizenship before their 18th birthday. The change in this bill raises the age to 25. It leaves the window of opportunity open just that little bit longer. The bill also allows for minors who automatically become citizens when their parents do to receive a citizenship certificate of their own. At first glance this would appear to be a minor amendment, but it is actually an important symbolic gesture.

There are a number of other amendments in this legislation dealing with deprivation and resumption of citizenship in circumstances involving criminal convictions and dubious moral character. It is interesting to note that people smugglers have been singled out as a different class of criminal in that they are specifically mentioned by occupation. None of the other criminal classes, such as drug dealers, murderers or political assassins, are mentioned by name as being automatically barred from citizenship. There is, of course, ministerial discretion, and the phrase 'of good character' is used, but people-smuggling is the only criminal occupation mentioned by name.

Like all longstanding institutions, citizenship needs to be examined from time to time and overhauled if necessary. The rights and responsibilities of citizenship are fundamental to the nation itself and as such need to be kept relevant in this rapidly changing world. This legislation proposes a few minor changes, with really only one major change, in the repeal of section 17. The bill's origins can be found in the bipartisan report of the Joint Standing Committee on Migration and the independent and bipartisan Citizenship Council's examination of the issue. This is an example of where cool heads can prevail

and legislation to improve a fundamental aspect of our society can receive bipartisan support. I am pleased to be able to support this bill.

Mr GAVAN O'CONNOR (Corio) (9.04 p.m.)—The Australian Citizenship Legislation Amendment Bill 2002 makes some very important amendments to the Australian Citizenship Act 1948 in relation to the issue of dual citizenship. The amendments are long overdue and bring Australia into concert with such similar industrialised countries as the UK, Canada, New Zealand and the USA. For many of my electors in Corio, this legislation marks an important advancement in the whole area of dual citizenship and achieves greater equity in the treatment of citizens in this regard. Many members may not know it, but my electorate of Corio, which is based in the greater Geelong region, boasts a significant number of people from non-English speaking backgrounds in its population. The 1996 census reveals that around 19 per cent of the Corio electorate come from non-English speaking backgrounds, and amongst the largest of these groups of people are people from Croatia, Serbia, the former Yugoslav Republic, the Netherlands, the Federal Republic of Germany, Italy, Greece, Macedonia and Poland. These people have assimilated over the years with their Australian-born neighbours and have made a significant contribution to the economy of the Geelong region through their employment in rather large companies such as the Ford Motor Company, Alcoa, Godfrey Hirst Carpets and Shell, and in the myriad of small businesses that they have established in the Geelong region.

Geelong's cultural diversity is not only reflected in its work environment. We celebrate our cultural diversity in Geelong with an annual event called the Pako Festa. The Minister for Citizenship and Multicultural Affairs, who has just entered the chamber, was recently a guest of the Geelong community at the Pako Festa, and we were grateful for his presence at that event. The festival involves an extensive range of cultural activities and includes exhibitions, concerts, street theatre, a song fest, food fairs and, of course, the now famous Pako Festa street parade. Over 100,000 people flock to Packington Street over a weekend to enjoy the ethnic food and cuisine from many countries around the world and to watch ethnic groups, community organisations and sporting clubs strut their wares in Packington Street. Over 31 ethnic groups have participated in past parades to showcase their unique cultures and activities. We are very proud of our multicultural community in Geelong and we certainly treasure the contribution that is made to the Geelong community by the ethnic groups in our region.

As far as the essential elements of this bill are concerned, it repeals section 17 of the Australian Citizenship Act 1948 with the effect that adult Australian citizens do not lose their Australian citizenship on acquisition of another citizenship. It extends the descent and resumption provisions to give young people more opportunities to acquire Australian citizenship and provides for children who acquire Australian citizenship with their responsible parent or at a later date to be given their own citizenship certificates.

The bill strengthens aspects of the integrity of the Australian citizenship process and inserts a specific reference to people-smuggling offences in the existing provision in the Australian Citizenship Act 1948 which provides for deprivation of Australian citizenship in certain circumstances.

For the purposes of the legislation, a dual citizen is defined as a person who holds citizenship of two countries, and the Australian Citizenship Council has estimated that there are some 4.4 million Australians who are already dual citizens. But this Australian Citizenship Act 1948 is anachronistic in that it allows naturalised Australians to hold dual citizenship, yet, in most cases, it prevents those persons who have been Australian citizens since birth from acquiring citizenship of another country without losing their Australian citizenship. This situation is inequitable; it denies three-quarters of the population, and many people in my electorate of Corio, dual citizenship, yet for another sector of the population—approximately one-quarter—dual citizenship is already a fait accompli. This inequitable situation is demonstrated in section 17 of the Australian Citizenship Act 1948, which currently provides that, except in relation to an act of marriage, any person who does any act or thing the purpose of which and the effect of which is to acquire the nationality or citizenship of a foreign country shall, upon that acquisition, cease to be an Australian citizen. It is a fairly harsh provision in the context of our modern global society. The consequence of this existing inequity is that the Australian Citizenship Council has found that around 600 cases of loss of Australian citizenship come to the attention of DIMIA each year, often in the context of the individual applying for an Australian passport. In some cases the department has had to advise a person that he or she ceased to be an Australian citizen some years previously and, of course, there are many cases of persons losing their Australian citizenship which do not come to official notice at all.

There are significant arguments that have been raised over a long period of time against the provision of dual citizenship and I will canvass them briefly in this debate. Many people argue that it raises questions of disloyalty to Australia, that it runs contrary to the notions of national identity and cohesion, and that citizenship should not be treated as a commodity to be bought and sold for economic, tax or employment opportunities. However, I think there are very compelling arguments for the provisions of this bill and that is why the opposition is giving this legislation such strong support. The arguments for the bill are that the prohibition effectively discriminates against Australians who are citizens by birth, that dual citizenship is considered to be consistent with the acceptance of our multiculturalism in our society, and, of course, that travel, business and work opportunities have greatly increased with economic globalisation. This has made the issue of dual citizenship very much a reality, and an important reality, for many Australians. Developed countries such as the US, UK, New Zealand, Canada, France and Italy all allow their citizens to hold another citizenship. The

reforms that are being instituted in this legislation are indeed long overdue.

We have an interesting history as far as the parliament's investigation of this matter is concerned—it has been a contentious one in the community. In 1976 the parliamentary Joint Committee on Foreign Affairs and Defence rejected the introduction of dual nationality for Australian born citizens. It is interesting that by 1994 community attitudes and the attitudes of the parliament had changed significantly. The Joint Standing Committee on Migration in its report recommended the repeal of section 17 of the Australian Citizenship Act 1948 on the grounds that it was outmoded and discriminatory. In February 2000 the Australian Citizenship Council's report strongly recommended the repeal of the relevant sections of the act, and in May 2001 the government responded to the report with a paper entitled *Australian citizenship ... a common bond*. In that paper the government indicated its disposition to support the Citizenship Council's recommendation. In April 2000 the Labor Party—and that was quite a significant time before the government declared its position—indicated its strong support for the recommendations of the Australian Citizenship Council with respect to the repeal of section 17 of the Australian Citizenship Act.

I want to say a few words about my own community because Geelong has a proud tradition of sponsoring refugees. I commend the work of the Geelong Ethnic Communities Council and officers of the Migrant Resource Centre who have provided such strong support in recent times to refugees to this country who have made the decision to settle in our community. I recall that, when the current government went to water in the face of the Hanson thrust, it was communities such as Geelong that stood firm. Our great ethnic communities, along with our Australian born communities, stood quite firm in opposing what Pauline Hanson stood for. I cannot say that was a position taken by the Prime Minister. I cannot say that it was one taken with any commitment by the governments that he led. However, there were communities throughout the nation that did plant their feet firmly in opposition to Pauline Hanson. I am pleased to record that in the election that has just gone the Australian Labor Party topped the poll on a two-party preferred basis, with over 58 per cent of the vote, and the Hanson candidate came in a long way down the list.

In conclusion, in this 21st century, when the changing face of Australia is reflected in the cultural diversity of its citizens, it is anachronistic to discriminate against a particular section of our Australian born citizens who wish to embrace dual citizenship, for whatever reason. This bill is strongly supported by the opposition and it will be welcomed by significant elements of the Geelong community and the electorate of Corio.

Mr HARDGRAVE (Moreton—Minister for Citizenship and Multicultural Affairs) (9.16 p.m.)—As the first Commonwealth minister for citizenship, I am delighted to see the support from those opposite, and I am optimistic for this legislation in the other place. I

am pleased to follow on from the member for Corio, and I thank him for his contribution. I acknowledge contributions from all members to this debate. I was in Geelong the other week for the Pako Festa. The one person the member for Corio did not mention in dispatches was Strechko Kontel, the mayor of Geelong, who provides absolute leadership on multiculturalism and good settlement outcomes for all in the area. I congratulate him for the inspiration his example offers to the people of Geelong.

The Australian Citizenship Legislation Amendment Bill 2002 flows from the government's response to the report from the Australian Citizenship Council. The government believes that the inclusive and non-discriminatory approach to Australian citizenship should continue as the basis for future Australian citizenship law and policy. This bill makes some significant amendments to the Australian Citizenship Act 1948. It will benefit many Australians by repealing section 17 of the act to ensure that in future adult Australian citizens and their children do not lose their Australian citizenship if they should acquire another citizenship.

The bill also includes a number of enhancements to citizenship legislation in the interests of young Australians. It provides for children under 16 years to be given their own citizenship certificates—something that they will grow old with and, I am sure, something that will become part of their family's history. The bill extends the Australian citizenship by descent and resumption provisions for young people as well. It strengthens the integrity of the citizenship process in a number of ways by introducing a good character requirement for people 18 years and over who seek to be registered as an Australian citizen by descent or who wish to resume their Australian citizenship. This brings Australia's citizenship policies into line with its immigration policies. The good character test ensures that all who hold the banner of Australian citizenship are held in the highest regard, regardless of their background or circumstance. The bill also introduces powers to defer conferral of Australian citizenship and to revoke the grant of Australian citizenship before the actual conferral of citizenship in certain circumstances.

There is no doubt in my mind that many individuals and groups across Australian communities will benefit from this legislation. People are certainly keen to take up the option citizenship by descent in other countries. I have spoken to people who have come from Ireland, Italy and Israel. Many people see opportunities as private citizens to also ignite a relationship with another country while maintaining their commitment and loyalty to Australia. That means that we will have many Australian advocates on the world stage—even more than we currently have—but using their links to other countries in a positive way. So in a lot of ways the measures before us will be good for job creation through additional trade links and other purposes that are good for all Australians.

There were a number of questions raised by members in their contribution. I would like to canvass some of them. The member for Greenway asked ear-

lier whether citizenship by descent required both parents to be Australian citizens. The answer is no. There only needs to be one Australian citizen parent. I also understand that the honourable member raised some questions regarding section 10B. I can reassure the member for Greenway that section 10B currently allows for citizenship by descent to be taken up to age 18. The new bill extends that possibility for those up to 25 years of age. That is an acknowledgement that, if a young person, because of their parent's intervention, has lost their Australian citizenship, they are able to take the option up to 25 and citizenship by descent in the same regard.

A number of other members also referred to the issue of resumption of Australian citizenship for those who have lost their Australian citizenship on the acquisition of another citizenship. I am aware that there are some people who have concerns that stating an intention to reside in Australia within three years of their application to resume may not be as easy as they would like. I think it is important that anyone wishing to resume Australian citizenship has maintained a close and continuing association with this country and continues these links with Australia through their intention to reside in Australia. I think the intention to reside factor is important for the integrity that should come with Australian citizenship.

I also note that the Australian Citizenship Council considered the existing resumption provisions quite adequate, so the government observes this and continues with those provisions. It is worth noting that 91 per cent of applications for resumption are successful. So for some members who are suggesting that perhaps there should be some revisiting of the age limits or perhaps, dare I suggest, some retrospectivity attached to it, it is worth noting that the Australian Citizenship Council, the basis of this government measure, believe that there are adequate provisions already available and that people who wish to take up resumption of Australian citizenship have adequate opportunities to do so.

In final summation, I would like to thank the Australian Citizenship Council for their comprehensive analysis of the contemporary issues in Australian citizenship policy and law and in particular the issue of loss of Australian citizenship upon acquisition of another. I also wish to acknowledge some of the great lobby groups that have been involved in this debate, have been following it very closely and would welcome the assistance of all members in this House on this measure. I acknowledge particularly the Southern Cross Group and the Australians Abroad group for their contributions to the section 17 debate and for keeping Australian citizens overseas informed of matters that directly impact on them.

It is important for me to state that, while these measures will pass this House tonight—I presume that, in moments from now, this bill will pass—until royal assent is given to this bill, nothing has changed. Anybody who may be monitoring this bill at its reading stages should not act until that royal assent is assured. We are, of course, keen to see those many Australians abroad who want to take up other oppor-

tunities to advance themselves and indeed Australia by taking out other citizenships do so once it is lawful and not actually jeopardise their Australian citizenship in the process.

It is also important for the record of this place to thank a number of departmental and ministerial officers who have worked very hard over many years to advance this cause of a good updating of Australia's citizenship law. I wish to thank First Assistant Secretary Peter Hughes, and David Doherty and Lyn Barbaro who are here in the chamber. Kate Wallace, who is my senior adviser and who served in another capacity in Minister Ruddock's office, was certainly part and parcel of ensuring that the government's response was right and also part and parcel of the government's policy that it took to the last election, which was so resoundingly endorsed by the Australian people. I wish to also thank my senior colleague Minister Ruddock, who first introduced this bill last year. It was lost as a result of the end of the 39th Parliament when the election was called and it was reintroduced by me.

All round, this is one of the first items of legislation that is to pass this place. It certainly proves that this government have a very firm agenda in mind to update and advance even further this wonderful country. Our agenda includes this bill. I am pleased that both sides are supporting it because it is an important bill. It will help to create an even more robust Australian citizenship in the 21st century and, importantly, it gives effect to an election commitment—a government which promises before an election and always delivers after an election. I commend this bill to the House.

Question agreed to.

Bill read a second time.

Third Reading

Mr HARDGRAVE (Moreton—Minister for Citizenship and Multicultural Affairs) (9.26 p.m.)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

FAMILY AND COMMUNITY SERVICES LEGISLATION AMENDMENT (FURTHER SIMPLIFICATION OF INTERNATIONAL PAYMENTS) BILL 2002

Second Reading

Debate resumed from 13 February, on motion by **Mr Anthony**:

That this bill be now read a second time.

Mr SWAN (Lilley) (9.27 p.m.)—I am delighted that I can speak on the Family and Community Services Legislation Amendment (Further Simplification of International Payments) Bill 2002, which deals with international social security payments. International social security payments are often a forgotten part of our social security safety net. Changes to international social security payments deserve no less scrutiny than other areas of social security law. While most people think the international arrangements may