

PROOF HANSARD



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES

SENATE

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CORRECTIONS

This is a **PROOF ISSUE**. Suggested corrections for the Official Hansard and Bound Volumes should be lodged in writing with the Director, Chambers, Department of the Parliamentary Reporting Staff (Facsimile (02) 6277 2977), **as soon as possible but not later than:**

Wednesday, 20 March 2002

BY AUTHORITY OF THE SENATE

S.40.1.6

PROOF HANSARD

**AUSTRALIAN CITIZENSHIP LEGISLATION
AMENDMENT BILL 2002**

HIGHER EDUCATION LEGISLATION

AMENDMENT BILL (No. 1) 2002

**HUMAN RIGHTS AND EQUAL
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**PROTECTION OF THE SEA (PREVENTION
OF POLLUTION FROM SHIPS) AMENDMENT
BILL 2002**

**STUDENT ASSISTANCE AMENDMENT BILL
2002**

First Reading

Bills received from the House of Representatives.

Senator IAN MACDONALD (Queensland—Minister for Forestry and Conservation) (7.00 p.m.)—I indicate to the Senate that these bills are being introduced together. After debate on the motion for the second reading has been adjourned, I will be moving a motion to have eight of the bills listed separately on the *Notice Paper*. I move:

That these bills may proceed without formalities, may be taken together and be now read a first time.

Question agreed to.

Bills read a first time.

Second Reading

Senator IAN MACDONALD (Queensland—Minister for Forestry and Conservation) (7.02 p.m.)—I table a revised explanatory memorandum relating to the Taxation Laws Amendment (Film Incentives) Bill 2002 and move:

That these bills be now read a second time.

I seek leave to have the second reading speeches incorporated in *Hansard*.

Leave granted.

The speeches read as follows—

**AUSTRALIAN CITIZENSHIP LEGISLATION
AMENDMENT BILL 2002**

The purpose of this bill is to update a number of aspects of Australian citizenship law.

The bill was originally introduced into the parliament in August 2001 by my colleague the Hon Philip Ruddock and flows from the government response to the report of the Australian Citizenship Council, Australian Citizenship for a New Century. I commend Philip Ruddock for his significant contribution in this area.

The Australian Citizenship Council reported in February 2000. The government response, Australian Citizenship... a Common Bond, was released in May 2001.

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

The government agreed with the Australian Citizenship Council that, in its relatively short 53 years of existence, Australian citizenship has been a major success story.

Apart from giving a new and unique legal status to those in Australia at the time of its introduction, Australian citizenship law has evolved to be one of the most welcoming and inclusive in the world and has been the basis for over 3 million migrants becoming full participants in our society.

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

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

Clearly, some aspects of citizenship legislation need, over time, to evolve to reflect the changing realities of the Australian community.

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

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

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

Submissions to the government strongly supported repeal of section 17: over 800 submissions were received in response to the release of the discussion paper in June 2001; almost all supported repeal of section 17. In fact, since the launch of the government response we have received close to two thousand representations from people expressing support for the early repeal of section 17.

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

It will also bring Australia into line with the citizenship law of many other comparable countries, including the U.K., Canada, New Zealand, USA, France and Italy.

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

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

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

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

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

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

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

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

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

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

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

Secondly, the bill extends the ban on the grant of Australian citizenship from 2 years after release from prison, to 10 years, for a person who is a serious repeat offender.

The government agrees with the Australian citizenship council that a period of 10 years represents a more appropriate length of time for any such applicants for citizenship to demonstrate that they are of good character.

Thirdly, the bill introduces powers for the minister to revoke, in certain circumstances, the grant of a certificate of citizenship before actual conferral of citizenship and also to defer conferral of citizenship for a 12 month period in certain circumstances.

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

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

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

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

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

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

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

This change recognises the significant contribution of our reserve forces.

This bill also inserts a note referring to "people smuggling" offences in the provision relating to deprivation of Australian citizenship.

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

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

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

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

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

It is an important bill and one which will help create an even more robust Australian citizenship for the 21st century.

My colleague the Hon Philip Ruddock had great pleasure in introducing the bill into the last parliament and I know that he continues to have a close, personal interest in Australian citizenship and the value these changes will make to a great many Australians.

I commend the bill to the Senate.

~~HIGHER EDUCATION LEGISLATION AMENDMENT BILL (No. 1) 2002~~

~~In the May 2001-2002 budget, the Government announced the establishment of an interest-free loan scheme designed to expand opportunities for overseas-trained professionals to meet the formal recognition requirements of their professions in Australia. The purpose of this Bill is to establish this loan scheme, called the Bridging for Overseas-Trained Professionals Loan Scheme (BOTPLS) to assist overseas trained professionals to cover the costs of bridging training.~~

~~Australia attracts a significant number of overseas-trained professionals, most of whom intend to work in their profession in Australia. Many professions have regulations associated with employment, some of which are legal while others are a matter of employment practice. All such professions require the assessment of qualifications and, in some cases an examination is required. For many overseas trained professionals, bridging courses are recommended, either as preparation for the examination or to make up knowledge gaps that have been identified through the assessment process. For example, a dentist or medical practitioner might take a clinical bridging course to prepare for the examination while an overseas trained lawyer or an accountant might be required to take a unit in Australian taxation law.~~

~~Governments have long recognised the value to the community of assisting overseas trained professionals to un-~~