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CORRECTIONS

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Wednesday, 20 February 2002

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

HR 40.1.2

PROOF

The offence would cover material designed to make a person fearful about his or her safety or well-being as well as material containing offensive or abusive language.

The bill makes it an offence for a person to use a postal or similar service to send an article in a way that gives rise to a danger of death or serious harm to another person where the first person is reckless as to the danger of death or serious harm.

The new offence will carry a maximum penalty of 10 years imprisonment.

The proposed offence is concerned with potential rather than actual harm and will apply regardless of the degree of risk involved.

In addition to the general dangerous goods offence, the bill contains a further offence specifically relating to the use of Australia Post.

The offence will apply where a person sends an explosive or a prescribed dangerous or harmful substance through Australia Post and attracts a penalty of 10 years imprisonment.

Australia Post deals with a high volume of mail in accordance with stringent terms and conditions and therefore requires a more prescriptive offence.

Conclusion

Protecting the safety, security and integrity of Australia's information infrastructure, including postal and courier services, is a priority for this government.

The measures contained in this bill will ensure that these important communication services are not compromised by irresponsible, malicious or destructive behaviour.

By introducing tough penalties for such behaviour, the government is making it clear that it views the misuse of the postal system as a serious matter and that offenders will be vigorously prosecuted.

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

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

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

First Reading

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

Second Reading

Mr ANTHONY (Richmond—Minister for Children and Youth Affairs) (9.46 a.m.)—On behalf of the Minister for Family and Community Services, I move:

That this bill be now read a second time.

The purpose of the bill is to give effect to the 2001-02 budget initiative to bring the payment of Australian pensions to people overseas long term in line with international standards. It also equalises the rules under which overpayments are recovered from people receiving foreign pensions.

The rate of Australian pensions paid in Australia does not depend on a person's length of Australian residence. However, Australian pensioners residing overseas on a long-term basis are paid a 'proportional' rate that reflects their length of Australian residence. Currently, to be paid a full pension after an absence of longer than 26 weeks, pensioners overseas are required to have 25 years of Australian working life residence. Other countries require that people contribute for around 40 years before the full rate of pension can be paid, and often there are further restrictions on the payability of these pensions outside those countries. To bring Australia in line with international standards this bill extends the required residence period to 30 years under the Social Security Act 1991.

The bill also further recognises the valuable contribution that senior Australians make to our community. The bill allows people who defer their age pensions and register with the Pension Bonus Scheme to add their bonus periods under the scheme to the Australian working life residence period they accrued before they reached age pension age. As a result they may be paid a higher long-term overseas rate.

The amendments made to the Social Security Act 1991 in relation to the Australian working life residence will only apply to anyone who departs Australia after the commencement day of the amendments. A person who is absent from Australia on the commencement day will be subject to these amendments only if they return to Australia and stay for 26 weeks or more.

The bill also equalises the treatment of debts incurred by people who receive lump sum payments of foreign pension.

Where a person receives lump sum arrears of a comparable foreign payment from a country with which Australia has an international social security agreement, the overpayment of Australian pension for the period covered by lump sum is recovered. In contrast, where the same type of lump sum payment is received from other countries, no debt is currently incurred. The new debt recovery provision in the Social Security Act 1991 ensures that overpayments of Australian social security payments arising from these arrears payments are debts and that they are recoverable. I present the explanatory memorandum to this bill.

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

AUSTRALIAN CITIZENSHIP LEGISLATION AMENDMENT BILL 2002

First Reading

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

Second Reading

Mr HARDGRAVE (Moreton)—Minister for Citizenship and Multicultural Affairs) (9.50 a.m.)—I move:

That this bill be now read a second time.

Mr Speaker, I would like to add my congratulations to you on your reappointment to the tremendously

important office of Speaker and to make the observation that I am obviously delighted as my first duty in this House in the 40th Parliament, as the first ever Commonwealth Minister for Citizenship and Multicultural Affairs, to introduce this bill.

The creation of this portfolio by the Prime Minister is recognition of the government's commitment to Australian citizenship being the cornerstone of our inclusive and culturally diverse society. Citizenship is the process by which we all come together, no matter which part of the world we have come from and no matter how long we have been in Australia. It is the process of unifying us, and we take very seriously the integrity of Australian citizenship. We place a great deal of importance on promoting the values of citizenship to all Australians, and our aim is to make the status of citizenship even more relevant and meaningful to the realities of modern life.

We on this side of the chamber believe strongly in the value of citizens bringing the strengths of their various diverse cultures, experiences and beliefs forward to the great benefit of all Australians. Of course, with some 3.1 million new Australians having become citizens since the passage of the Citizenship Act in 1948, it is also important to know that the most recent Australia Day saw well over 8,000 people making the citizenship pledge. That is the highest number in recent years. This reflects the Centenary of Federation of our great country, and also the result of some deliberate campaigns to encourage people to take out Australian citizenship. In so saying, I would like to acknowledge the personal commitment of the member for Berowra, the senior minister in this portfolio of Immigration and Multicultural and Indigenous Affairs, Mr Philip Ruddock.

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 ensuring this bill was brought forward early in this parliament.

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 our migration system and 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 2,000 representations from people expressing support for the early repeal of section 17, so this move is welcome.

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 UK, 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 comes into effect.

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

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

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

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

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

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

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

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

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

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

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

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

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 our 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. This update and enhancement have been long sought and long overdue.

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

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

I commend the bill to the chamber and table the explanatory memorandum.

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