



COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

Votes and Proceedings

Hansard

TUESDAY, 11 MAY 2004

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 **as soon as possible but not later than:**

Tuesday, 18 May 2004

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BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

PROOF

- (2) Is the Insolvency and Trustee Service Australia's Best Practice Statement enforceable, in particular, for the purpose of affording creditors relief against debtors who are demonstrably abusing the bankruptcy system by deliberately taking assets out of their creditors' reach; if not, why not.

Mr Ruddock—The answer to the honourable member's question is as follows:

- (1) Yes. This does not amount to a gap in the legislation as the provisions intentionally apply to a limited set of circumstances. It would not be appropriate to require the Official Receiver to consider whether to exercise the discretion in every case because the discretion was designed to prevent the most blatant abuses of the system.
- (2) The Insolvency and Trustee Service Australia's Best Practice Statement is not enforceable because it does not have any legislative status. The Best Practice Statement was produced for the purpose of providing a guideline to assist decision-makers.

Maltese Citizenship (Question No. 3287)

Mr Laurie Ferguson asked the Minister for Citizenship and Multicultural Affairs, upon notice, on 10 March 2004:

- (1) Did he inform the House in the answer to question No. 201 (*Hansard*, 14 May 2002, page 2084) that the number of Maltese Australians who renounced their Australian citizenship between 1964 and February 2000 was not available.
- (2) Has he seen reports, based on Maltese Census data on Australian-born people by age obtained by the Southern Cross Group, that approximately 2,500 people appear to have renounced their Australian citizenship during this period; if so, can his department confirm the accuracy of this estimate.
- (3) Will he approach the Maltese Government to seek complete data on the number of Maltese Australians who renounced their Australian citizenship in the period referred to above; if not, why not.
- (4) Since his answer to question No. 201, has the Government discussed with the Maltese community in Australia options to resolve the situation of those who renounced Australian citizenship to meet the previous requirements of Maltese law; if so, what action has the Government taken on this matter.

Mr Hardgrave—The answer to the honourable member's question is as follows:

- (1) Yes.
- (2) No. If this information is available my Department is prepared to consider it.
- (3) No, as it is not numbers alone that indicate the significance of the issue.
- (4) The Maltese community has raised this issue with me when I have attended community functions. The issue is under consideration.

Multicultural Affairs: Adult Migrant English Program (Question No. 3288)

Mr Laurie Ferguson asked the Minister for Citizenship and Multicultural Affairs, upon notice, on 10 March 2004:

- (1) What proportion of Adult Migrant English Program (AMEP) clients are entitled to receive additional tuition under the Special Preparatory Program (SPP) and how is eligibility determined.
- (2) How much was spent on the SPP in (a) 2001-2002, and (b) 2002-2003, and (c) what is its Budget allocation for 2003-2004.
- (3) How many AMEP clients had access to additional assistance under the SPP in (a) 2001-2002, and (b) 2002-2003, and (c) what is the number that is expected to be assisted in 2003-2004.
- (4) Did his media release of 5 March 2004 titled 'New rules improve access to English tuition' state that the AMEP "provides up to 510 hours of English tuition plus another 100 hours for those with special needs".
- (5) What proportion of those receiving assistance under the SPP actually receive a full 100 hours of additional tuition and, for the latest year for which data is available, what was (a) the range, and (b) the average number of additional hours actually provided.

Mr Hardgrave—The answer to the honourable member's question is as follows:

- (1) Access to tuition under the SPP is on the basis of an assessment of an individual's special needs. It is not an entitlement.
- (2) (a) Expenditure for 2001-02 was \$3,819,874.
(b) Expenditure for 2002-03 was \$4,512,223.
(c) The SPP allocation for 2003-04 is capped at \$4.0 million.
- (3) (a) 3,714
(b) 4,171
(c) Eligibility for 2003-04 will be determined by Service Providers on the basis of an assessment of an individual's needs. For the 2003-04 ytd, as of 24 February 2004, 3,340 clients have accessed the SPP.

- (3) Does the Alice Springs Research Station also continue to form part of the US Atomic Energy Detection System which serves US national objectives.
- (4) Is the cooperating US agency involved with the Alice Springs Research Station the US Air Force Technical Applications Centre (AFTAC).
- (5) Does the Alice Springs Research Station send data to the US National Data Centre operated by AFTAC.
- (6) How many staff currently employed at the Alice Springs Research Station are (a) Australian citizens, and (b) US citizens.
- (7) What seismic monitoring equipment is presently operated at the Alice Springs station.
- (8) Are there any plans to upgrade the equipment/capabilities of the Alice Springs Research Station; if so, what is the nature of any current or planned upgrade.
- (9) What are the current funding arrangements for the Alice Springs Research Station.
- (10) What proportion of the operating and capital costs is borne by the US and how long have the current funding arrangements been in place.

Mr Ian Macfarlane—The answer to the honourable member's question is as follows:

- (1) Yes, in a number of ways:
 - (i) Receive a near-real time feed of seismic data from the station;
 - (ii) Inform joint Australia-United States Geological and Geophysical Research Station personnel of any quality control issues with the data;
 - (iii) Liaise with joint Australia-United States Geological and Geophysical Research Station personnel to ensure that any modifications/upgrades to the station met with Australian regulations;
 - (iv) Liaise with joint Australia-United States Geological and Geophysical Research Station personnel with the planning of the upgrade of the station to Comprehensive Nuclear Test Ban Treaty specifications; and
 - (v) Provide administrative assistance for the general maintenance of the station.
- (2) Yes. It is one of the 50 stations in the primary seismic network of the International Monitoring System.
- (3) Yes. It is a key station of United States Atomic Energy Detection System particularly for detection, location and identification of events in the southern hemisphere.
- (4) Yes.
- (5) Yes. The United States National Data Centre receives a direct feed from the station in near real time.
- (6) (a) Zero Australian citizens
(b) 5 United States citizens
- (7) 19 broadband seismometers, one 3 component short-period seismometer and one 3 component long-period seismometer. These seismometers are arranged strategically (over a 10km diameter) to optimise detection of events.
- (8) Yes. It is expected in 2005 that the station will be upgraded to Comprehensive Nuclear Test Ban Treaty specifications. This will involve replacement of the existing seismometers (the type of seismometer is yet to be determined), upgrading of some of the underground cables and the installation of a new data acquisition system.
- (9) All funding for the operation and maintenance of Alice Springs Research Station is from the United States government.
- (10) An agreement was reached between the Australian and United States governments in February 1978 re the arrangements of joint Australia-United States Geological and Geophysical Research Station. The agreement requires the Australian government to provide administrative support for the facility. This includes financial administration, budgeting and assistance with procurement relating to the facility. The operating and capital costs of the facility are met wholly by the United States Air Force.

Multicultural Affairs: Citizenship

(Question No. 3341)

Mr Brendan O'Connor asked the Minister for Citizenship and Multicultural Affairs, upon notice, on 22 March 2004:

- (1) Can he confirm comments attributed to him in the *Maltese Herald* on 20 January 2004 to the effect that those Maltese citizens who were formerly Australian, who wanted to reapply for Australian Citizenship should go to the office of the Australian High Commission in Malta and complete an application form.
- (2) Can he confirm that resumption of Australian citizenship is restricted to those under the age of 25 under the Australian Citizenship Legislation Amendment Act 2002.
- (3) How many requests have been received by the High Commission in Malta from former Australian citizens wishing to resume citizenship since the publication of this article.

Mr Hardgrave—The answer to the honourable member's question is as follows:

- (1) I have not seen a copy of the article that appeared in the *Maltese Herald* on 20 January 2004 so I am not able to comment on the article.

I conferred Australian citizenship upon 33 members of the Malta-born community in Sydney on 12 December 2003. Members of the Maltese community at the ceremony raised citizenship issues with me. Specifically they raised the issue of Australian-born Maltese citizens who migrated to Malta and were required by the Maltese Government to renounce their Australian citizenship before their 19th birthday in order to retain their Maltese citizenship, and who would now like to reacquire Australian citizenship.

I made a general statement at the citizenship ceremony that anyone who had lost their Australian citizenship should seek advice from the Australian High Commission in Malta in relation to resumption. I did not advise those present at the citizenship ceremony that they would be able to get their Australian citizenship back.

- (2) A new resumption provision (s23AB) was introduced into the Australian Citizenship Act 1948 (the Act), effective 1 July 2002, to enable former Australian citizens who renounced their Australian citizenship in order to retain another citizenship, to resume Australian citizenship up until their 25th birthday. The age threshold of 25 years brought this resumption provision into line with the age requirement by which a person can be registered as an Australian citizen by descent.

Those who lost their Australian citizenship by acquiring another citizenship, usually under (the now repealed) s17 of the Act, are able to resume their Australian citizenship under s23AA of the Act. There is no age threshold by which to resume Australian citizenship under s23AA.

- (3) In the period 20 January – 31 March 2004, the Australian High Commission in Malta received 7 applications for resumption of Australian citizenship.

Multicultural Affairs: Citizenship (Question No. 3342)

Mr Brendan O'Connor asked the Minister for Citizenship and Multicultural Affairs, upon notice, on 22 March 2004:

Has the Government previously recognised the situation of some Maltese citizens who were born in Australia and who spent the greater part of their childhood in Australia; if so, why does the Government not allow the resumption of Australian citizenship to a person who was born in Australia, who grew up and went to school in Australia, who left Australia as a minor in order to follow his or her parents, who was compelled to renounce previous citizenship as a requirement of Maltese law at the time, who maintains close and enduring family ties to Australia, and who is over the age of 25 years.

Mr Hardgrave—The answer to the honourable member's question is as follows:

The Government has recognised the situation of former Australian citizens, who were born in Australia, subsequently returned to Malta and were required under Maltese law to renounce their Australian citizenship before their 19th birthday in order to retain their Maltese citizenship.

Prior to 1 July 2002, a person who renounced their Australian citizenship in order to retain another citizenship could not reacquire Australian citizenship by using the resumption provisions in the Australian Citizenship Act 1948 (the Act). They could only reacquire Australian citizenship by going through the migration process and applying for Australian citizenship by grant. They had to meet the eligibility requirements but were only required to reside in Australia for twelve months in the previous two years as a permanent resident.

Australian citizenship matters were reviewed by the Australian Citizenship Council which was established by the Government in August 1998. The Council was chaired by Sir Ninian Stephen and its task was to examine major issues relevant to future citizenship policies and programs.

The Citizenship Council issued a discussion paper and called for public submissions. The review was also widely advertised in all major newspapers in Australia and the discussion paper was distributed to a large number of individuals, community organisations and peak ethnic bodies both in Australia and overseas. Some two hundred submissions were received.

Very few submissions to the Citizenship Council raised resumption as an issue. The issue in relation to Maltese citizens came to the attention of the Citizenship Council on the basis of one submission from a young Maltese woman in regard to the lack of resumption provisions for people in her situation. The Government agreed with the Council's recommendation that young people who renounced their Australian citizenship at a relatively early age, and therefore before they were in a position to make a fully informed decision, should have an adequate period after reaching their majority to resume Australian citizenship.

A new resumption provision (s23AB) was introduced into the Act, effective 1 July 2002, to enable former Australian citizens who renounced their Australian citizenship in order to retain another citizenship, to resume Australian citizenship up until their 25th birthday. The age threshold of 25 years brought this resumption provision into line with the age requirement for registering as an Australian citizen by descent.

The option of reacquiring Australian citizenship by grant continues to be available for those people over 25 years of age.

Since the introduction of the new resumption provision in the Act in 2002, the Maltese community in Australia and overseas has raised the issue of former Australian citizens who are over the age of 25 and are not able to resume Australian citizenship. This issue is under consideration.