



COMMONWEALTH OF AUSTRALIA

SENATE

Hansard

THURSDAY, 30 NOVEMBER 2006

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

Thursday, 7 December 2006

Facsimile:	Senate	(02) 6277 2977
	House of Representatives	(02) 6277 2944
	Main Committee	(02) 6277 8368

BY AUTHORITY OF THE SENATE

PROOF

I commend the bill to the Senate.

I table the explanatory memorandum and I seek leave to continue my remarks.

Leave granted.

RAMSAR WETLANDS IN AUSTRALIA

Senator SIEWERT (Western Australia) (10.22 am)—by leave—I move the motion as amended:

That the Senate—

(a) notes:

- (i) there have been calls by land owners in the Ramsar-listed Gwydir Wetlands for it to be de-listed as a Ramsar site due to its degraded condition, and
- (ii) the declining condition of Gwydir Wetlands, Macquarie Marshes, the Coorong and other Ramsar Wetlands of International Importance; and

(b) calls on the Federal Government to establish a review of the health and management of Ramsar wetlands in Australia.

Question agreed to.

PARLIAMENTARY ZONE

Approval of Works

Senator IAN CAMPBELL (Western Australia—Minister for the Environment and Heritage) (10.22 am)—I move:

That, in accordance with section 5 of the Parliament Act 1974, the Senate approves the proposal by the National Capital Authority to provide directional and interpretive signage in the Parliamentary Zone.

Question agreed to.

BUDGET

Consideration by Legislation Committees

Additional Information

Senator SCULLION (Northern Territory) (10.22 am)—I present additional information received by committees relating to estimates as follows:

Foreign Affairs, Defence and Trade Committee—2 volumes

Rural and Regional Affairs and Transport Committee—3 volumes

BUSINESS

Rearrangement

Senator SCULLION (Northern Territory) (10.23 am)—by leave—On behalf of the chair of the Employment, Workplace Relations and Education Committee, Senator Troeth, I move:

That the presentation of the report of the Employment, Workplace Relations and Education Committee on the provisions of the Commonwealth Radioactive Waste Management Legislation Amendment Bill 2006, be postponed to a later hour of the day.

Question agreed to.

AUSTRALIAN CITIZENSHIP BILL 2005 AUSTRALIAN CITIZENSHIP (TRANSITIONALS AND CONSEQUENTIALS) BILL 2005

First Reading

Bills received from the House of Representatives.

Senator IAN CAMPBELL (Western Australia—Minister for the Environment and Heritage) (10.24 am)—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 CAMPBELL (Western Australia—Minister for the Environment and Heritage) (10.24 am)—I table two revised explanatory memoranda relating to the bills 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 BILL 2005

Today I have the honour to present the Australian Citizenship Bill 2005 which deals with the core of our national identity—Australian citizenship.

This bill, once passed by the Parliament will replace legislation which introduced the concept and reality of Australian citizenship on Australia Day 1949.

During debate in the House, many members reflected on citizenship ceremonies they had attended. They commented on the obvious pride and joy of former migrants and humanitarian entrants to this country making the pledge, which is the final step in becoming an Australian citizen.

Becoming an Australian citizen is a significant commitment. It involves undertaking to fulfil the responsibilities of Australian citizenship as well as being able to take advantage of the opportunities that come with citizenship. It requires the pledging of loyalty to Australia and its people, a shared belief in the democratic process, respect for the rights and liberties of others, and a willingness to uphold and obey the law.

Importantly, the bill retains the principle that Australian citizenship is a privilege and not a right.

As noted by the Legal and Constitutional Legislation Committee, in its report on its inquiry into the bill, "... the fundamental worth of citizenship should not be in doubt". The Committee made 17 recommendations and this bill along with the Australian Citizenship (Transitionals and Consequentials Bill) 2005, has been amended to give effect to eight of the recommendations which involve legislative change. These were recommendations 1, 2, 6, 10, 12, 14, 16 and 17.

The Government has also accepted the Committee's recommendations 5 and 7, and partially accepted recommendation 11, noting that these recommendations do not require legislative change.

As noted by the Committee, the redrafting and restructuring of the legislation for the purpose of delivering better structured, clearer and more accessible citizenship legislation, is a significant achievement. The Australian Citizenship Bill 2005 now also contains simplified outlines explaining the operation of the various parts of the bill, making the legislation even more accessible.

The bill also makes it clear that a person who is a citizen under the existing legislation—the Australian Citizenship Act 1948—is a citizen for the purposes of the new Act.

As recommended by the Committee, the Preamble has been amended to recognise that Australian citizenship represents “full and” formal membership of the community of the Commonwealth of Australia. It is indeed that – full membership of the Australian community, involving reciprocal rights and obligations.

The bill as originally introduced into the House required applicants to have at least three years permanent residence in Australia prior to application. The bill was amended and now generally requires applicants to have been lawfully resident in Australia for four years prior to application, including at least 12 months of permanent residence immediately prior to application. Absences from Australia of up to 12 months in total during the four years prior, and no more than three months in the 12 month period prior to application, are allowed.

The change recognises that there are increasing numbers of people who spend time in Australia as temporary residents prior to becoming permanent residents. The requirement for four years residence will ensure that people have spent sufficient time living in Australia to become familiar with our way of life, to get a sense of what it is to be Australian, and of the commitment they need to make to become an Australian citizen.

Consistent with the Committee’s recommendation, the new residence requirements will only apply to people who become permanent residents on or after commencement of the legislation with the proviso that they apply within three years of commencement.

Other important amendments to the original Bill are the changes to the personal identifiers framework. The provisions were amended in close consultation with the Office of the Privacy Commissioner to ensure that they are aligned with the provisions of the Privacy Act 1988. The provisions will support the verification of identity of people applying for Australian citizenship and assist in combating identity and document fraud in the citizenship programme. The bill explicitly states that a person cannot be approved for Australian citizenship unless the Minister is satisfied as to their identity.

Another significant measure aimed at safeguarding Australian citizenship is the provision for mandatory refusal of a person assessed as being a direct or indirect threat to the security of our nation. This provision applies to all applications—whether a person is applying to become a citizen by descent, by conferral or they are applying to resume their Australian citizenship.

The need to protect the status of Australian citizenship has also led to changes to the provisions allowing for the revocation of Australian citizenship.

The bill provides for revocation where a person has obtained approval to become a citizen on the basis of third party fraud.

Applicants for citizenship by decent are required to have an Australian citizen parent at the time of their birth. Importantly, a new provision also provides that a person, born overseas, who commits fraud in relation to this requirement, will be taken never to have been an Australian citizen.

In addition, the new provisions allow for revocation for a conviction of a serious criminal offence committed at any time before the person becomes an Australian citizen.

During debate in the House, certain Members claimed that a particular amendment to the bill would necessitate the mandatory refusal of an applicant who had been sentenced to imprisonment for five years or more by a corrupt regime. The particular provision in fact applies not to people who have migrated to Australia and seek to become citizens but to stateless people who were born in Australia. The Government undertook to consider a further amendment to provide for discretionary refusal in such cases. Consideration of this matter is nearing conclusion and I hope to be able to report on the outcome before we rise for the Christmas break.

I commend the bill to the Senate.

AUSTRALIAN CITIZENSHIP (TRANSITIONALS AND CONSEQUENTIALS) BILL 2005

I am also pleased to present the Australian Citizenship (Transitionals and Consequentials) Bill 2005, which is a necessary accompaniment to the Australian Citizenship Bill 2005, (the Principal Bill). It makes a number of transitional arrangements to the Principal Bill, in addition to consequential amendments to other legislation.

It also gives effect to the recommendation made by the Senate Legal and Constitutional Legislation Committee that the new residence requirements in the Principal Bill apply only to persons granted permanent residence on or after the date of commencement of the legislation.

In addition, this bill will allow for the registration of people adopted by an Australian citizen in accordance with the Hague Convention, applies to people adopted before or after the commencement of the legislation. These changes were made in response to a recommendation of the House of Representatives Standing Committee on Family and Human Services and provides for the necessary integrity of the adoption process consistent with the Convention.

I commend the bill to the Senate.

Ordered that further consideration of this bill be adjourned to the first day of the next period of sittings, in accordance with standing order 111.

COMMONWEALTH RADIOACTIVE WASTE MANAGEMENT LEGISLATION AMENDMENT BILL 2006

First Reading

Bill received from the House of Representatives.

Senator IAN CAMPBELL (Western Australia—Minister for the Environment and Heritage) (10.25 am)—I move: