

# **The Role of Local Government in the Administration of the Australian Citizenship Program**

**A submission by the Department of Immigration and  
Multicultural and Indigenous Affairs**

**to the**

**House of Representatives Standing Committee on  
Economics, Finance and Public Administration Inquiry into  
Local Government and Cost Shifting.**

**August 2002**

## **The Role of Local Government in the Administration of the Australian Citizenship Program**

Since the early 1950's successive Commonwealth Governments have accorded local government a significant role in Australian Citizenship through the conferral of Australian Citizenship at Citizenship ceremonies. Public Citizenship ceremonies have fulfilled an important symbolic and legal role in the grant of Australian Citizenship and have been used to formally welcome new Citizens from many backgrounds into the Australian community, with representation from the three spheres of government.

The Department of Immigration and Multicultural and Indigenous Affairs ("DIMIA") and local government authorities have enjoyed a close and positive working relationship in administering the Australian Citizenship program.

In accordance with the relevant aspects of the Standing Committee's terms of reference, this submission outlines the current funding arrangements for local government, and the role and responsibilities of local government in relation to Australian Citizenship.

### Funding Arrangements

The Commonwealth Government provides funding to local government bodies through State and Territory governments in the form of untied financial assistance grants. Local governments are created by Acts of State Parliaments. It is DIMIA's understanding that the objective of this federal assistance to the States includes the purpose of strengthening local government so as to enable it to provide a wider range of services and promote equity between councils and certainty of funding. This funding covers citizenship and affirmation ceremonies performed by local government. (Affirmation ceremonies provide an opportunity for Australian Citizens to publicly affirm their commitment to Australia and its people. These ceremonies have no status in law and no legal effect. Participation is voluntary.)

Occasional correspondence has been received by the Commonwealth from local government, expressing concern about the cost of staging ceremonies – hence this submission. However, the Commonwealth is already providing funds to local government through the established grants processes for such events.

### Assistance provided by DIMIA to Local Government Councils

DIMIA also provides direct assistance to local government councils in their role of conferring citizenship in a number of ways:

- through guidelines published in the booklet: *Australian Citizenship Ceremonies Handbook for Local Government*, and policy advice/clarification of the guidelines

- (DIMIA is currently producing a new and updated Handbook in consultation with and local government for subsequent distribution to councils);
- by liaising with individual local government councils through State and Territory offices to facilitate participation of conferees in ceremonies held at a mutually convenient time for both councils and conferees;
  - through the attendance of DIMIA officers at special ceremonies (and scheduled ceremonies in many local government areas), to assist Council officials;
  - through the provision of the essential items for candidates – Certificates of Australian Citizenship and Pledge cards;
  - by providing promotional material such as Australian Citizenship pins, banners, posters, balloons, and citizenship kits, particularly for special ceremonies; and
  - by highlighting the role of local government councils in the citizenship process (eg most recently in the Commonwealth funded campaign to promote Australian Citizenship).

The above services provided by DIMIA are delivered at no cost to local government councils.

#### DIMIA's Position in Regard to Funding Arrangements

The Commonwealth Government appreciates the contribution of local government councils to Australian Citizenship and values their role in the conferral of Citizenship at Citizenship ceremonies. It also values the close and positive working relationship it has had with local government in administering the Australian Citizenship program over the last fifty years.

DIMIA is aware that conferral and affirmation ceremonies provide tangible benefits to local government councils. These ceremonies provide a unique public relations opportunity for councils including an opportunity for councils to meet new voters and to introduce them to the many public services available through local government. The citizenship promotion campaign mentioned above, affirms the central and important role of local government in citizenship conferral and provides further support to local government public relations efforts. Australian Citizenship represents a positive and productive medium for local government to communicate with their constituents.

DIMIA supports the continuing role of local government in citizenship ceremonies. The recommendations of the 1994 report by the Joint Standing Committee on Migration, and the 2000 report by the Australian Citizenship Council support the maintenance of local government as the principal point for conferral of Australian Citizenship. As the arm of government closest to candidates in the local community, local government is well placed to confer citizenship and welcome people into the local community.

The Australian Citizenship Council's recommendation, endorsed by Government, is that no special arrangements for direct funding be introduced and is an endorsement of long-standing, workable and productive arrangements between the Commonwealth and local government for the conferral of Australian Citizenship.

## Background

Australian Citizenship represents formal membership of the community of the Commonwealth of Australia. It is a common bond, involving reciprocal privileges and responsibilities, uniting all Australians while respecting their diversity.

The key ways Australian Citizenship may be acquired under the *Australian Citizenship Act 1948* (the Act) are by:

- birth in Australia to a parent who is an Australian citizen or permanent resident;
- adoption in Australia by a parent who is an Australian citizen;
- lodging an application and subsequently being granted Australian citizenship; and by
- descent, for people born overseas to a Australian citizen parent if they meet certain criteria.

There is a legal requirement for people who have been approved for grant of Australian Citizenship to make the Australian Citizenship Pledge in order to acquire Australian Citizenship. The pledge is normally made at a citizenship ceremony. Citizenship ceremonies provide an opportunity to welcome new citizens as formal members of the Australian community. Public ceremonies are the principal means of conferral of Australian Citizenship.

### Brief Historical Overview

The legal status of Australian Citizen came into effect on 26 January 1949 with the passage through Parliament of the *Nationality and Citizenship Act 1948*. Before that, nearly all people born in Australia, and those naturalised in Australia, were British subjects.

Prior to 1938 the then “citizenship oath” was made before a justice of the peace. Following much discussion about the importance of naturalisation ceremonies, Cabinet decided that from 1938 the oath could only be made before a magistrate, clerk of petty sessions, or a clerk of a local court.

Citizenship ceremonies that closely resemble our modern-day ceremonies began in Australia in 1949 under the then *Nationality and Citizenship Act 1948*. The ceremonies were designed to impress upon the new citizen the rights and obligations of Australian Citizenship, and encourage the person to feel as though they had done something significant for themselves and for Australia, and inform the community that the person was no longer an alien. These ceremonies were held in open court, attended by community representatives and relatives of persons taking the oath.

The conduct of ceremonies was transferred from courts to local government by the then Department of Immigration in the early 1950s as it was thought ceremonies in court received little public and media attention.

## Importance of Citizenship Ceremonies

The legal status of Australian Citizenship describes a relationship between the individual and the nation as a whole. It allows membership of the Australian community. As well as meeting legal requirements for the acquisition of Australian Citizenship, ceremonies also serve to symbolically welcome new citizens into the community, at Federal, State and at the local level. The involvement of local government in that context can be seen as a great strength, because it is about people being welcomed through the sphere of government that is closest and nearest to them<sup>1</sup>.

There are also practical advantages for involving local government. Ceremonies are held in the local community, generally at the local town hall or council chambers, which is generally convenient and provides ready access for the people acquiring citizenship and their family and friends<sup>2</sup>.

In 1998 the Australian Citizenship Council (ACC) was established as an independent body to review contemporary issues in Australian citizenship policy and consider how to promote awareness of the significance of Australian Citizenship. The ACC recognised that, with few exceptions, there is a high level of achievement by local government councils within existing arrangements, making ceremonies a special occasion and an event to be remembered. The ACC recommended in their report of 2000 that the conduct of public ceremonies by local government continue to be the principal means of conferral of Australian Citizenship<sup>3</sup>. The Government has supported this, adding that Councils are best placed to conduct ceremonies given their historic role in this area.

## The Role of Local Government in Citizenship Today

The role of local government in administering the Australian Citizenship program focuses on the conferral of Australian Citizenship at citizenship ceremonies. Guidelines on conducting citizenship ceremonies, *Australian Citizenship Ceremonies – A Handbook for Local Government* are produced by DIMIA. A copy of the Handbook is attached.

The power to confer Australian Citizenship is limited. Section 15 of the *Australian Citizenship Act 1948* provides that Australian Citizenship can be conferred by the Minister (this includes the Minister for Immigration and Multicultural and Indigenous Affairs and the Minister for Citizenship and Multicultural Affairs), a judge of a Federal or State Court or a magistrate holding office under State law, providing such judges or magistrates are Australian citizens, or certain persons approved by the Minister as authorised to confer citizenship. The Minister has approved appropriate local government officials (presiding officers) to confer Australian Citizenship.

As the grant of Australian citizenship has both national and local significance, ceremony guidelines require members of all three spheres of government to be invited to ceremonies to introduce new citizens to Australia's democratic system of government. Invitations are sent by local government to the Minister for Immigration and Multicultural and Indigenous Affairs, the Minister for Citizenship and Multicultural

Affairs, local Federal and State members of Parliament and a senator from a different political party to that of the local Federal Member.

Local governments may also be requested by local members to supply them with names and addresses of new citizens so that they may welcome them into the Australian community.

### Representations by local government councils

Actual costs incurred by Councils vary according to a number of factors including ceremony frequency, candidate numbers and the individual preferences of Councils.

The 1994 report by the Joint Standing Committee on Migration (JSCM), *Australians All: Enhancing Australian Citizenship*, examined the role of local government authorities in conducting public citizenship ceremonies in accordance with the guidelines. The Committee noted that it had "sought input from local government associations but received little evidence in relation to the conduct of ceremonies".

However, local government appeared largely satisfied with their role in the Australian Citizenship program and advised the JSCM that:

"....the vast majority of local governments in Australia wish to fully co-operate with the Australian Government in ensuring that citizenship ceremonies are held by councils as a community orientated exercise with the activity being a focal point exemplifying the multicultural nature of our areas. We support the Mayor acting on behalf of the Minister for Immigration in this regard."<sup>4</sup>

In its response to the JSCM report the then Government stated:

"Councils have conducted these ceremonies for many years under the current arrangements where costs are met from general Federal Government assistance received in the form of untied grants. The formula for calculating these grants contains a component for likely expenditure on migrant related services. Direct subsidies would require a costly further layer of administration and the Government does not believe that any possible benefits of direct subsidies would outweigh the additional administrative costs."<sup>5</sup>

In 1999 all local government councils were invited to contribute to the review of citizenship. Of the 199 submissions received by the Australian Citizenship Council, 15 were from local government councils. Of these 15 submissions, two raised the issue of direct funding for ceremonies. One argued that an increase in funding would enhance the occasion by including other information and activities. The other argued that councils need an adequate level of funding to allow them to promote and acknowledge the importance of Citizenship ceremonies.

In its report, the ACC remained unconvinced that direct funding would necessarily enhance ceremonies and make them more meaningful, and recommended to the Government that no special arrangements for direct funding be introduced.

The Government endorsed this recommendation in its response to the ACC report<sup>6</sup>.

## References

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<sup>1</sup> 1994 report by the Joint Standing Committee on Migration, *Australians All: Enhancing Australian Citizenship*. Page 78.

<sup>2</sup> *Ibid.* Page 69.

<sup>3</sup> 2000 report by the Australian Citizenship Council, *Australian Citizenship for a New Century* Page 59.

<sup>4</sup> *Ibid.* Page 76

<sup>5</sup> *The Ties That Bind*, the Government response to the report by the Joint Standing Committee on Migration: “*Australians All – Enhancing Australian Citizenship*”. Page 5.

<sup>6</sup> *Australian Citizenship...A Common Bond*, the Government Response to the report of the Australian Citizenship Council, May 2001. Page 23.