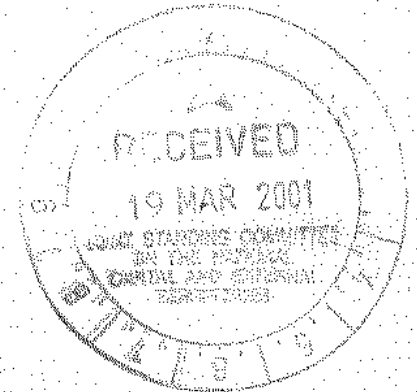




The Secretary
Joint Standing Committee on the
National Capital & External Territories
Parliament House
CANBERRA ACT 2600



INQUIRY INTO NORFOLK ISLAND ELECTORAL MATTERS

Thank you for the opportunity to contribute to the Committee's inquiry on Norfolk Island electoral matters.

I have noted the terms of reference and make this submission on the basis of the Department's responsibility for Immigration and Australian citizenship matters.

The status of Australian citizen is, in most cases, a pre-requisite to vote in, and stand for election at, Commonwealth, State, Territory and Local Government elections. However, the use of Australian citizenship as a reference point for this purpose is determined externally to this portfolio. This submission, therefore, is confined to providing you with background on Australian citizenship in relation to permanent residents living on Norfolk Island.

AUSTRALIAN CITIZENSHIP ON NORFOLK ISLAND

Australian permanent residence for citizenship purposes

Norfolk Island has been part of Australia for the purposes of *the Australian Citizenship Act 1948* since the status of Australian citizenship was introduced on 26 January 1949 but not for the purposes of the Migration Act 1958. The Norfolk Island Act 1979 confers a degree of self-government for the island with the Legislative Assembly and Government exercising some powers that are normally reserved for the Commonwealth, including immigration. The requirements for entry to Norfolk Island are set out in the Norfolk Island Immigration Act 1980.

In relation to permanent residence in Australia for the purpose of the *Australian Citizenship Act 1948*, a person is a permanent resident while lawfully present in Norfolk Island if:

- The person's presence on Norfolk Island is not subject to any time limitations. (Note: A person needs to have been granted permanent residence status by the Norfolk Island Government to be considered a permanent resident for citizenship purposes); or



- Had the person been elsewhere in Australia, he or she would have been regarded as a permanent resident (for example, a permanent visa holder who is temporarily on Norfolk Island).

Australian citizenship by birth

A child born on Norfolk Island will acquire Australian Citizenship by birth if their parent/s are either an Australian citizen or a permanent resident. If neither parent is an Australian citizen or permanent resident, citizenship legislation provides for the child to become an Australian citizen:

- on his/her tenth birthday if he/she was born on or after 20 August 1986 and has been ordinarily resident in Australia for ten years (s10(2)(b)); and
- by birth, if he/she was born between 1 September 1994 and 26 February 2001 to a New Zealand citizen parent who is present in Australia (except as a diplomat or for specific official purposes).

Australian citizenship by grant

Generally, people are eligible to be granted Australian citizenship when they have been present in Australia (including Norfolk Island) as a permanent resident for a total of two years in the previous five years, with one of the two years occurring immediately prior to application. While there are some exceptions, people seeking Australian citizenship in their own right must also:

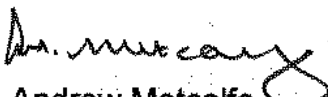
- be at least 18 years of age;
- be capable of understanding the nature of their citizenship application;
- have a basic knowledge of the English language;
- have an adequate knowledge of the responsibilities and privileges of Australian citizenship;
- be of good character; and
- be likely to live permanently in Australia or maintain a close and continuous association with Australia.

Citizenship statistics

In the period July 1998-January 2001, 23 people who were permanent residents on Norfolk Island were granted Australian citizenship.

I trust this information will be useful to your inquiry.

Yours sincerely


Andrew Metcalfe
A/g Secretary