

CHAPTER 1

INTRODUCTION

Background

1.1 The Australian Citizenship Bill 2005 and Australian Citizenship (Transitionals and Consequentials) Bill 2005 (the Bill) was referred by the Senate on 30 November for report by 27 February 2006. The proposed Bills are intended to replace the *Australian Citizenship Act 1948* (Cth) (the 1948 Act), which governs the acquisition, cessation and resumption of Australian citizenship.

1.2 The possible redrafting of the 1948 Act and amendment of some of its key provisions has been in the public domain for some time.¹ In 2000, the Australian Citizenship Council (ACC) presented its report entitled *Australian Citizenship for a New Century*. Most of the ACC's recommended legislative changes were made by the *Australian Citizenship Legislation Amendment Act 2002* (the 2002 Act).² The ACC also recommended that the existing 1948 Act be redrafted to remove inconsistencies and improve clarity and ease of use.

1.3 On 7 July 2004, the Hon. Gary Hardgrave MP, the then Minister for Citizenship and Multicultural Affairs, gave a speech to the Sydney Institute in which he outlined the government's proposed changes to the 1948 Act.³ On 8 September 2005 the Prime Minister, Mr Howard, announced stronger anti terrorism laws.⁴ In relation to citizenship the Prime Minister said the government would work on visa and citizenship security and character checking processes and move immediately to extend the residency requirement.

Conduct of the Inquiry

1.4 The Committee advertised the inquiry in The Australian newspaper on 7 December 2005 and also wrote to a number of interested individuals and organisations

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- 1 See *Australian Citizenship Bill 2005 and Australian Citizenship (Transitionals and Consequentials) Bill 2005*, Bills Digest No. 72 -73, 7 December 2005, p. 4.
 - 2 Australian Citizenship Bill 2005, *Explanatory Memorandum*, p.1 available at http://parlinfoweb.parl.net/parlinfo/view_document.aspx?ID=2174&TABLE=EMS
 - 3 Hon. G. Hardgrave MP, Minister for Citizenship and Multicultural Affairs, *Australian citizenship: then and now*, speech to Sydney Institute, Sydney, 7 July 2004 as reported in *Australian Citizenship Bill 2005 and Australian Citizenship (Transitionals and Consequentials) Bill 2005*, Bills Digest No. 72 -73, 7 December 2005, p. 3.
 - 4 Hon. J. Howard MP, Prime Minister, Counter Terrorism law strengthened, media release, Canberra, 8 September 2005 as reported in *Australian Citizenship Bill 2005 and Australian Citizenship (Transitionals and Consequentials) Bill 2005*, Bills Digest No. 72 -73, 7 December 2005, p. 3.

inviting submissions by 16 January 2006. Details of the inquiry, the Bills and the associated documents were placed on the Committee's website.

1.5 On 6 January 2006 the secretariat provided information about the inquiry to the Consular Policy Branch of the Department of Foreign Affairs and Trade (DFAT) for distribution to Australian overseas missions. All DFAT posts were advised of the inquiry and encouraged to contribute to informing Australians overseas about the inquiry by using the Committee's official materials.

1.6 The Committee received 67 submissions, two are confidential and the remaining 65 were placed on the Committee's website. Among the 67 submission were numerous letters from individuals, including children, expressing views about the Bills. These letters were grouped into seven broad categories and adopted as standard form letters. The list of submissions is contained in Appendix 1.

1.7 The Committee held a public hearing in Melbourne at the Victoria Parliament House on Monday 30 January 2006. A second public hearing was held on Monday 6 February 2006 at Parliament House, Canberra. Seventeen witnesses appeared in person, by teleconference and video link. A list of witnesses is at Appendix 2. Copies of the Hansard transcript of proceedings are available through the internet at <http://aph.gov.au/hansard> or at the Committee's website at:

http://www.aph.gov.au/senate/committee/legcon_ctte/citizenship/hearings/index.htm.