

Australian Greens Dissenting Report

Senator Kerry Nettle

Multiculturalism is at the heart of Australian society and democracy.

Despite attempts by various governments over the years to limit and restrict the diversity of our nation, Australia has continued to grow into a mature and cosmopolitan country.

This is a testament to both those who have been born in Australia and the many migrants who have made a new life here.

From the beginning of Australia with the establishment of the White Australia policy to today, fair-minded people have had to stand up for a vision of Australia based on openness and generosity - not one based on fear and a closed door.

The government's proposed Citizenship Test contained in the *Australian Citizenship Amendment (Citizenship Testing) Bill 2007* is not only a test for those seeking to become citizens, it is a test for Australia's political leaders.

Do we again want to follow the government down the path of racism and division or do we want to stand up for a diverse and fair society?

The Australian Greens will oppose the citizenship test bill for the following reasons:

- The improvement of migrant's English language skills and understanding of Australian life can best be achieved by investing in and expanding English language and settlement programmes.
- The proposed citizenship test is a divisive and dangerous move that will break up our cohesive society rather than achieve the government's stated objective of increasing the cohesiveness of our society.
- It will distort and undermine existing English language settlement programmes.
- It will hand to a Minister an enormous and unregulated discretion to determine the scope and nature of a test that will determine the basis on which someone resides in Australia.
- It is based on a policy that is driven more by short-term political considerations than any identified policy need.

Recommendation: That the bill be opposed

Need for the bill

The Australian Greens agree with the evidence presented to the committee that the need for this bill has not been established. We agree with the Victorian Immigrant and Refugee Women's Coalition (VIRWC) who argued that there is no evidence to indicate that a change in Australian citizenship law is necessary:

...Australia has been well served by its existing inclusive citizenship laws, to the extent that we now have a culturally diverse and socially cohesive collection of people who are proud to call Australia home.¹

The Forum of Australian Services for Survivors of Torture and Trauma (FASSTT) expressed a similar view:

...over the years we have successfully integrated thousands of migrants and refugees from diverse cultural and linguistic backgrounds into Australian society, without the need for a written citizenship test. We do not believe there have been any significant changes to this situation that would warrant the introduction of a formal test.²

The federal government has failed to present evidence about why this bill is needed. During the Senate committee hearing the Secretary of the Department pointed to the fact that other countries had introduced a citizenship test and that the government had released a discussion paper on a citizenship test as evidence that a test was the best way to measure someone's commitment to Australia. The Secretary was unable to point to any evidence in Australia or overseas that a test was the best way to measure someone's commitment to a country.³

The submission from the Australian Association of TESOL Associations (ACTA) noted:

The Minister points to the use of tests in countries such as the UK, Canada and the US as evidence of the need to have one in Australia. These tests require basic recall such as the colours on the flag (US), the names of the aboriginal languages (Canada), or which court uses a jury (UK). We have no evidence that the use of these tests provides these countries with a greater sense of shared identity and values than ours. Indeed, there are quantifiable statistics to suggest that it is just the opposite.⁴

Ms Misty Adoniou, the President of ACTA expanded on this to the committee by talking about the London bombings:

¹ Ms Depika Sherchan, *Committee Hansard*, 17 July 2007, p. 22; also *Submission 20*, pp 2-3.

² *Submission 8*, p. 1.

³ *Committee Hansard*, 16 July 2007, p. 32.

⁴ *Submission 34*, p. 2.

We certainly saw that with the London bombings. These people had British citizenship, but it certainly did not mean that they automatically aspired to some kind of British value system—whatever that may have been—or that they felt part of that safe, secure and cohesive society. They certainly did not feel part of a cohesive society. There are many indications that there are many disenfranchised groups within the United States, including those who were born there but including people who have been given citizenship or who, in fact, have been denied citizenship and have since been sent home to their countries—for example, to Cambodia and Laos. Up to this point, we seem to have the most cohesive society and it would seem strange to be suddenly pursuing policies pursued by other countries which do not seem to enjoy the cohesivity that we have. We seem to be fixing something that is not currently broken.⁵

The test is a fatally flawed policy

The government has claimed that the 'test will encourage prospective citizens to gain knowledge they need to support successful integration into Australian society.'⁶

However evidence to the committee showed that the test may in fact do the opposite.

Ms Adoniou, the President of ACTA told the committee:

I worry that what we will do is disenfranchise, disengage and marginalise people and the consequences of that could be exactly the opposite to what this test aspires to achieve.⁷

The committee heard from a number of witnesses including Ms Voula Messimeri-Kianidis from the Federation of Ethnic Communities Council of Australia (FECCA) that the citizenship test is likely to discourage many people from seeking citizenship:

Our concern is that a lot of people who would feel uncomfortable about any testing at all, particularly if they have a low level of literacy, will not apply for citizenship but will self-select out. Part of the deep concern we have about the introduction of a formal citizenship test is that it will create a two-tiered society, with the people who have been accepted into this country under humanitarian refugee settlement schemes in one tier. Australia is a welcoming and tolerant country in regard to its international obligations but, once we have accepted people as permanent residents, as opposed to having full citizenship, they will forever stay within that limbo.⁸

⁵ *Committee Hansard*, 16 July 2007, p. 21.

⁶ The Hon Kevin Andrews MP, Minister for Immigration and Citizenship, *House Hansard*, 30 May 2007, p. 4.

⁷ *Committee Hansard*, 16 July 2007, p. 21.

⁸ *Committee Hansard*, 16 July 2007, p. 4.

The committee heard that it will undermine the efficacy of existing and future English language programs for migrants and will create barriers for many disadvantaged people.

Evidence to the committee showed that the proposed test would not be able to achieve the goals set for it by the government.

Mr Sam Wong, Chair of the Canberra Multicultural Community Forum summarised many of problems reflected in much of the evidence to the committee:

The test will not contribute to the government goal of instilling Australian values or helping migrants to integrate and maximising the opportunities available to them. It is unreasonable to suggest that a short, written, multiple-choice exam will [test] whether the applicant would be a good citizen rather than just test rote learning ... While it could be argued that it would be appropriate to test citizenship applicants on their English skills and understanding of citizens' responsibilities, the suggestion that Australian values can be tested based on the view of a single Minister is totally undemocratic. It is almost impossible to draft questions to test Australian values, particularly concerns like mateship, respect for freedom and commitment to democracy. Testing people on common values, which implies that there is only one set of Australian values and one type of Australian citizen, undermines the vital role that multiculturalism and diversity play in Australian society.⁹

The Australian Greens believe that rather than encouraging people to embrace Australian citizenship and support for so-called Australian values it will erode societal solidarity and cohesion.

The test will threaten to further widen the gulf between groups of people in society and bolster racism and discrimination.

The importance of English

The Australian Greens believe proficiency in a common language – English – is an important underpinning of our society and democracy.

Learning of English for many, if not most people, is a life-long process. It can not and should not be subject to arbitrary time limits or hurdles.

Acquisition of English should be encouraged and supported not imposed. English as a second language programmes are in desperate need of more resources and funding from government.

⁹ *Committee Hansard*, 16 July 2007, p. 2.

The Australian Greens concerns at the impression that English language proficiency amongst new migrants is somehow a problem have been deepened by our analysis of recent census data and analysis of the Department of Immigration and Citizenship reports that have examined English proficiency.

In our submission to the Minister's Discussion paper on the citizenship test we outlined statistical evidence that suggests that, rather than declining, in fact English language proficiency amongst new migrants has been improving over the last decade. Indeed this analysis is reinforced by the changes to English language classifications used by the Department of Immigration as a result of overall improvements in English language proficiency. The Secretary of the Department of Immigration noted in a 2001 report 'Statistical Focus 2001 - classification of countries into English proficiency groups':

The overall EP index for all overseas born has increased between 1966 and 2001 from 78.8 to 85.2. This increase may be attributed to changes in immigration policy over this period, favouring English language proficiency in selection procedures, as well as an historical trend towards increasing use of English around the world.

Evidence to the committee suggests that a citizenship test conducted in English rather than encourage proficiency in English will in fact undermine existing English programs and distort future programs.

The ACTA gave evidence to the committee of the grave impact a citizenship test could have on teaching programs.

The President of ACTA, Ms Adoniou told the committee:

As soon as there is a test, teachers feel the need to get their students to pass the test and students put pressure on to be given what it is that they need to pass the test. Suddenly, lessons become all about passing the test. Certainly from my experience overseas, where everybody is sitting English language tests to prove their English language proficiency, we have huge evidence that all good teaching practice goes out the door as people do test preparation ... It is very bad pedagogical practice because the aim is so limited. Your capacity to pass an English test is in no way an indication of your capacity to operate in the thousands of everyday communications you need to have.¹⁰

Ms Adoniou gave further evidence to the committee that even if, as was likely, the allocated AMEP hours were redirected to preparation for passing the citizenship they would be insufficient.

Ms Wrigley from the Refugee Advice and Casework Services (RACS) gave similar evidence:

¹⁰ *Committee Hansard*, 16 July 2007, p. 21.

The contents of the proposed test, including questions about Australian values, would be outside the vocabulary scope of basic language classes for those learning a new language within the first 510 hours of study.¹¹

Evidence was presented to the committee that the objective of improving migrant's understanding of life in Australia would best be achieved by presenting information about Australia in the migrant's own language.

The submission from ACTA argued:

Citizenship and values do not need to be presented in English to be understood. They are much better understood via the language that the migrant is most competent in.¹²

This is an approach that has been adopted overseas. For example, in the United States of America applicants for citizenship are permitted to take the knowledge component of the test in a language of their choice.

Ministerial power

In recent weeks we have seen the problems that arise from having too much discretion invested in the hands of a single minister.

The decisions of Minister Andrews in relation to the Haneef matter reinforce the dangers of this bill. The Australian Greens do not support and we are sure the Australian public would not support Minister Andrews deciding on the questions that are put to prospective citizens as part of this test.

There is some ambiguity about whether or not the bill gives total discretion to the Minister but it is clear from evidence to the committee that it is the intention that the Minister's decisions relating to the form, scope and content of the citizenship test would not be subject to Parliamentary disallowance.

This reflects a common practice of the present government which is again seeking to give discretion to the Minister to determine the nature and extent of the citizenship test without reference to Parliament.

Regardless of the value or otherwise of the present Minister's preferences for what should be contained in the citizenship test and how it will operate, there is no guarantee against any future Minister abusing such a power.

Notwithstanding The Australian Greens opposition to the whole bill we do not support the discretions contained in proposed subsection 23A of the bill.

¹¹ *Committee Hansard*, 17 July 2007, p. 21.

¹² *Submission 34*, p. 3.

Conclusion

Many of those who made submissions to the committee questioned the wisdom of attempting to test Australian values rather than more universal principles such as fairness and democracy.

The Australian Greens share these concerns. The idea that the acquisition of citizenship should be based on a historical adherence to a country's purported values – set by government decree – should give pause to any student of recent history. In fact the worth of a citizen may be evident more in their refusal to adopt the dominant values of a society rather than embracing them.

Dr Bibby from the NSW Council for Civil Liberties made this point to the committee when he said:

Think of Rwanda: you might choose to live in Rwanda for, say, the sake of your medical expertise, but you would not expect to adopt the values of the Hutu, or certainly not those of a few years ago. You might have chosen to stay in Nazi Germany. You might live at present in Zimbabwe. The notion that people ought to adopt the values of the society that they are in is plain nonsense.¹³

Rather it seems clear that the values often claimed as Australian values – fairness, respect for human rights and democracy - are in fact universal values shared by most people all over the world but often not honoured by their governments.

The Australian Greens support increased opportunities being available for migrants to Australia to improve their English language skills and understanding of life in Australia.

We do not accept that a test consisting of 20 multiple choice questions is an effective way to improve migrant's English language skills and understanding of life in Australia.

We share the view of Ms Adoniou, the President of ACTA that:

...tests have been developed to gate-keep. That is what they are there for.¹⁴

We support investment in programmes that improve migrant's English language skills and understanding of Australian life. We recognise that the introduction of the proposed citizenship test will undermine the effectiveness of existing English language courses as they will be forced to teach students to pass the test rather than learn the English language skills that they need.

¹³ *Committee Hansard*, 17 July 2007, p. 15.

¹⁴ *Committee Hansard*, 16 July 2007, p. 21.

We can not support this bill and the introduction of a citizenship test that will create division within the Australian community.

Senator Kerry Nettle
Australian Greens