

Submission

on the

Australian Citizenship Amendment (Citizen Test) Bill 2007

to the

Senate Legal and Constitutional Affairs Committee

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26 June 2007

TABLE OF CONTENTS

1. INTRODUCTION	1
2. A CITIZENSHIP TEST	1
3. PROFICIENCY IN ENGLISH.....	1
4. EXEMPTIONS FROM THE TEST	2

1. Introduction

The Australian Citizenship Amendment (Citizenship Test) Bill 2007 provides for the Minister to issue a determination approving a test which an applicant for Australian citizenship must successfully complete to establish that he understands the nature of an application for citizenship; possesses a basic knowledge of the English language; and has an adequate knowledge of Australia and of the responsibilities and privileges of Australian citizenship.

The Bill was introduced into the House of Representatives on 30 May 2007 and referred on 12 June by the Senate to the Legal and Constitutional Affairs Committee for inquiry. Public submissions are due by 6 July 2007 and the Committee is due to report to the Senate by 30 July 2007.

2. A citizenship test

Australian citizenship entails the following privileges:

- to vote in national and State (or Territory) elections and referendums;
- to stand in national elections (subject to s44 of the Constitution);
- to apply to join the Australian defence forces (including the reserves);
- to register children (under 25, born overseas) as citizens by descent;
- to apply for jobs, scholarships, and grants that require citizenship;
- to seek overseas assistance from Australian diplomatic representatives; and
- to apply for an Australian passport and to leave and re-enter Australia without the requirement of a resident return visa.

Australian citizenship also includes the following responsibilities:

- to enrol on the electoral register and vote in elections and referendums;
- to serve on a jury, if required;
- to help defend Australia, if required.

Since the benefits conferred on Australian citizens are substantial, it is appropriate for Australia to introduce a formal citizenship test.

It is reasonable to require applicants for citizenship to demonstrate an understanding of Australia and of the responsibilities and privileges of Australian citizenship.

3. Proficiency in English

The responsibilities conferred on Australian citizens, including the legal obligation to vote, require a reasonable proficiency in English. Before citizenship is granted, applicants should be required to demonstrate a level of English sufficient to allow them to understand and participate in the political process.

Successful completion of the citizenship test may be sufficient to demonstrate reasonable proficiency in English. However, it may be more appropriate to determine a separate test for this purpose or to accept certification from approved institutions that an applicant has attained the required level.

4. Exemptions from the test

As citizenship confers both the right and the responsibility to vote, only those applicants who could qualify for an exemption from the obligation to vote on the grounds of age, illness or disability should be exempt from the citizenship test.

All others should be required to demonstrate both a basic knowledge of the English language and an adequate knowledge of Australia and of the responsibilities and privileges of Australian citizenship by successfully completing the citizenship test.