

**Inquiry into the Australian Citizenship Amendment (Citizenship Testing) Bill 2007**

**Joint Submission to the Legal and Constitutional Affairs Committee**

**Prepared by the  
General Synod Public Affairs Commission  
and  
The Office of the Primate of the Anglican Church of Australia**

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**INTRODUCTION**

We are grateful for the opportunity to make this submission in response to the Australian Citizenship Amendment (Citizenship Testing) Bill 2007, and refer the Committee also to the response to *Australian Citizenship: much more than a ceremony* submitted jointly by the General Synod Public Affairs Commission and Melbourne Diocese Social Responsibilities Commission to the Commonwealth Department of Immigration and Multicultural Affairs in November 2006, a copy of which is appended to this submission.

**ITEM 4**

Item 4 provides for the insertion of new subsections 21(2) and (2A) into the *Australian Citizenship Act 2007*. The effect of the new subsections will be that certain of the general eligibility criteria will not be able to be established without the successful completion of a citizenship test. One of those criteria, appearing in 21(2)(f), newly requires an applicant to demonstrate that s/he “has an adequate knowledge of Australia and of the responsibilities and privileges of Australian citizenship.”

Neither the Bill, nor the accompanying Explanatory Memorandum, offers answers to the following questions:

- By what standard is “basic knowledge of the English language” to be measured?

- By what standard is “adequate knowledge of Australia and of the responsibilities and privileges of Australian citizenship” to be measured?
- Who will have the responsibility for the formulation of the test(s)?
- Will the test require an applicant to answer multiple choice questions, long or short answer questions or some other form of question?
- Will there be a facility for appealing a determination about the successful or unsuccessful completion of a test?
- Will material be made available to potential applicants to assist in preparation for the test, and, if so, who will compile such material and will there be an opportunity for public response?
- Will extra Government funding be made available to support the provision of services for the teaching of English as a second language?

We are concerned that no guidelines have been provided about the standard of knowledge expected of applicants, especially in relation to criteria 21(2)(f). The Explanatory Memorandum, for example, includes no specimen questions. Will the questions be asked be such as any adult Australian citizen might be expected to be able to answer, without specific preparation? Alternatively, will the test be set at such a standard that it is possible that some adults who are currently Australian citizens might not successfully complete it? Will the questions be such that the proposed answers could give rise to legitimate disagreement between Australian citizens?

If the test is to include questions in a form other than multiple choice, yes/no or true/false questions, issues will arise as to the latitude of discretion allowed to markers and about checks upon the exercise of such discretion. The Explanatory Memorandum gives no indication about the form of the questions to be asked.

The Bill makes no provision for any appeal in relation to the successful completion of a test.

What measures will be put in place to ensure that the Act is applied consistently and that tests are administered equitably and in a non-discriminatory manner?

## **ITEM 5**

Item 5 provides for the insertion of a new section, 23A.

The Explanatory Memorandum states that pursuant to new Sub-s 23A (1) the Minister may approve more than one test. While it is appreciated that this may allow for latitude in relation to certain categories of disadvantaged applicants, the proposed bill as currently drafted leaves open the possibility of other inequities as the result of a multiplicity of tests.

It would be inequitable, for example, if an applicant were to fail a ‘standard’ test, but could demonstrate an ability to pass an alternative test, made available to other applicants.

In order to address potential inequities, we suggest, it would be essential that there be clear and transparent guidelines for the determination of the nature of the test which an individual applicant is required to sit.

## **ITEM 9**

Paragraphs 29 and 30 of the Explanatory Memorandum suggest that a single applicant may sit more than one test. This may simply be a situation of undergoing a repeat test, following an initial, unsuccessful attempt. However, the paragraphs also seem to contemplate circumstances in which an applicant may be required to sit more than one test.

In what situations would this be the case?

## **CONCLUDING REMARKS**

It is respectfully submitted that there are certain areas of the bill, as outlined above, in which further detail, or explanation is warranted.

A more general matter of concern to us is that the bill does not provide for limits or checks upon the exercise of power by the Minister in making determinations under the *Australian Citizenship Act 2007*. There are no provisions in the bill, as currently drafted, to prevent citizenship testing from being applied selectively or inconsistently, or according to arbitrary criteria. Nor are there provisions by which an applicant is empowered to challenge a determination of the Minister or a decision of a bureaucrat in relation to his or her application for citizenship.

11 July, 2007