



Ethnic Communities Council of Western Australia (Inc.)

Our Ref Parl/02-2014

6th November 2014

Ms. Sophie Dunstone
Committee Secretary

Dear Ms. Dunstone

REF: Inquiry into the Australian Citizenship and Other Legislation Amendment Bill 2014 [Provisions]

Thank you very much for your letter dated 31st October 2014 providing an opportunity for ECCWA to make a submission. ECCWA is the peak body of migrant and ethnic communities in Western Australia and given the short time frame it was not possible to have consultations far and wide with our member organisations.

There is no doubt that as a nation every Australian supports all three themes that the proposed amendments are striving to cover which are strengthening program integrity, importance of connection to Australia and, improving decision making.

However as the President of the organisation, I did go through the proposed amendments and have serious concerns regarding some proposed amendments.

- a. Section 7B h relating to admission to a psychiatric institution, a residential drug rehabilitation by order of a court made in connection with proceedings for an offence against an Australian law in relation to the person needs to be reconsidered as a person should not be discriminated on the basis of ill health as defined by the World Health Organisation.
- b. Section 33: 3 if the Minister revokes a person's Australian citizenship, the person ceases to be an Australian citizen at the time of revocation. Note: A child of the person may also cease to be an Australian citizen. This is not in accordance with the Article 3 of the Convention on the Rights of Child which states that the best interests of the child shall be a primary consideration in all actions concerning the children. Similarly it also does not aim to strengthen the connection with Australia which is perhaps the only place that the children in such circumstances can relate to as their own land.
- c. Character assessment of the minors: Although the proposed amendment requires client's consent when seeking criminal history the consent would really be given by the primary applicant as all applicants under 18 are part of the application of an adult who is the primary applicant. ECCWA has serious concerns about the character assessment of minors who have been granted Permanent Resident Status of Australia as there is evidence in form of research about circumstantial factors that predispose anti-social behaviors among minors and need to be considered. There is also evidence in form of research that child offending peaks around age of 13 but after 16 it declines.
- d. Section 52: Minister may in the public interest set aside a decision of Administrative Appeals Tribunal (AAT) and will inform the sitting parliament within 15 days however this may not be subjected to merit review by the applicant needs to be reconsidered as it is not allowing the said

person a fair chance. As an elected Member of the Parliament, the Minister represents the Australian community while it is unfair to suggest that an “unelected” administrative tribunal to review such a personal decision of the Minister is not appropriate. The members of the Administrative Tribunal represent the Australian community and are equally knowledgeable about community standards and values and the power to set aside the AAT’s recommendation gives more power to one person without accountability.

Once again, many thanks for requesting the submission from ECCWA which believes that A safe Australia is everyone’s business and we all have to work together to keep Australia the home where heart is for every Australian.

Yours faithfully

Dr. Zarrin S Siddiqui
President