

# Chapter 1

## Introduction

### The referral

1.1 The Australian Citizenship and Other Legislation Amendment Bill 2014 (the Bill) was introduced into the House of Representatives by Mr Fletcher, the Parliamentary Secretary to the Minister for Communications, on behalf of the Minister for Immigration and Border Protection, on 23 October 2014.<sup>1</sup> On 30 October, the Senate referred the Bill to the Legal and Constitutional Affairs Legislation Committee (the committee) 'for inquiry and report by 1 December 2014'.<sup>2</sup>

### Overview of the Bill

1.2 In his second reading speech, Mr Fletcher explained that the Bill 'supports the integrity and effectiveness of the citizenship program, providing a clear legislative framework to underpin the government's policy'.<sup>3</sup> Furthermore:

The [B]ill has a range of amendments grouped into three broad themes:

- strengthening program integrity;
- underlining the importance of connection to Australia; and
- improving decision-making.<sup>4</sup>

1.3 The Explanatory Memorandum (EM) explains further that:

The Australian Citizenship and Other Legislation Amendment Bill 2014 (the Bill) amends the *Australian Citizenship Act 2007* (the Act) to insert, clarify and strengthen key provisions of the Act relating to:

- extending good character requirements;
- clarifying residency requirements and related matters;
- circumstances in which a person's approval as an Australian citizen may or must be cancelled;
- circumstances in which the Minister may defer a person making the pledge of commitment to become an Australian citizen;
- circumstances in which a person's Australian citizenship may be revoked;

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1 House of Representatives, *Votes and Proceedings*, No. 76—23 October 2014, p. 913.

2 *Journals of the Senate*, No. 63—30 October 2014, pp. 1689-1691.

3 Mr Fletcher, Parliamentary Secretary to the Minister for Communications, *House of Representatives Hansard*, 23 October 2014, p. 1.

4 Mr Fletcher, Parliamentary Secretary to the Minister for Communications, *House of Representatives Hansard*, 23 October 2014, p. 1.

- the power of the Minister to specify certain matters in a legislative instrument;
- the use of personal information obtained under the *Migration Act 1958* (the Migration Act) or the *Migration Regulations 1994* (the Migration Regulations) for the purposes of the Act and the Australian Citizenship Regulations 2007 (Citizenship Regulations);
- the disclosure of personal information obtained under the Act or the Citizenship Regulations for the purposes of the Migration Act or the Migration Regulations; and
- minor technical amendments.

The Bill also amends the Migration Act to enable the use of personal information obtained under the Act or the Citizenship Regulations for the purposes of the Migration Act and the Migration Regulations, and to enable the disclosure of personal information obtained under the Migration Act or the Migration Regulations for the purposes of the Act and the Citizenship Regulations.<sup>5</sup>

### **Other parliamentary inquiries**

1.4 The Senate Standing Committee for the Scrutiny of Bills examined the Bill in *Alert Digest No. 15 of 2014*. It noted eight concerns that fall within its terms of reference.<sup>6</sup>

### **Conduct of the inquiry**

1.5 The committee advertised the inquiry on its website ([www.aph.gov.au/senate\\_legcon](http://www.aph.gov.au/senate_legcon)) and wrote to a number of stakeholders inviting submissions. The committee set a deadline for submissions of 6 November 2014.

1.6 The committee received thirteen submissions. A list of submissions is at Appendix 1.

1.7 Public hearings were held in Sydney on 10 November 2014 and Canberra on 19 November 2014. A list of witnesses who appeared is at Appendix 2. The *Hansard* transcript of the committee's hearing can be accessed on the committee's website.

### **Acknowledgment**

1.8 The committee recognises that, because of the short reporting deadline and the committee's other commitments, it was only able to give submitters four working days in which to make submissions. The committee apologises for this unavoidably short timeframe.

1.9 In these circumstances, it is all the more appropriate to acknowledge those who participated in the inquiry and thank them for their assistance.

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5 Explanatory Memorandum, p1.

6 Senate Standing Committee for the Scrutiny of Bills, *Alert Digest No. 15 of 2014*, 19 November 2014, pp. 6-18.

**Note on references**

1.10 References in the report to the committee *Hansard* are to the proof committee *Hansard*. Page numbers between the proof committee *Hansard* and the official *Hansard* may differ.

**Structure of the report**

1.11 This report has been divided into three chapters. Chapter 2 summarises the key changes brought about by the Bill and Chapter 3 canvasses the submissions received and contains the committee's recommendations.

