

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING : 17 October 2016

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(SE16/048) - Citizenship Act - Programme 2.1: Citizenship

Senator McKim, Nick (L&CA 118) asked:

Mr Pezzullo: The said legislation—which is to say the Citizenship Act—falls within the portfolio, yes, Senator.

Senator McKIM: So was the department the lead agency in drafting that legislation?

Mr Pezzullo: Yes.

Senator McKIM: Did the department at any stage seek legal advice about the constitutionality or otherwise of that legislation?

Mr Pezzullo: Yes.

Senator McKIM: Who from?

Mr Pezzullo: From a number of sources.

Senator McKIM: Does that include the Solicitor-General?

Mr Pezzullo: Yes.

Senator McKIM: Does it include the Australian Government Solicitor?

Mr Pezzullo: Yes.

Senator McKIM: Does it include the private bar?

Mr Pezzullo: Unless the Australian Government Solicitor took their own soundings, I do not believe so directly but I would have to refresh my memory. I can take that on notice.

Answer:

The Department of Immigration and Border Protection did not engage any member of the private bar to provide legal advice in relation to the drafting or constitutionality of the Citizenship Amendment (Allegiance to Australia) Bill 2015.