

1993

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

SENATE

AUSTRALIAN CITIZENSHIP AMENDMENT BILL 1993

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Immigration and Ethnic Affairs  
Senator the Hon. Nick Bolkus)



## **AUSTRALIAN CITIZENSHIP AMENDMENT BILL 1993**

### **OUTLINE**

This Bill amends the *Australian Citizenship Act 1948* to insert a preamble which gives recognition to the significance of Australian citizenship.

The Bill replaces the current oath and affirmation of allegiance with a "pledge of commitment as a citizen of the Commonwealth of Australia" which is distinctively Australian in character. Minor technical amendments are made to the Act to replace references to the oath or affirmation with references to the pledge of commitment.

### **FINANCIAL IMPACT STATEMENT**

The implementation of these amendments will cost \$230,000 in the 1993/94 financial year to implement the amendments and fund an information program to introduce the new Pledge and Preamble to the Australian community.

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## NOTES ON INDIVIDUAL CLAUSES

### Clause 1                      Short Title

1        This clause provides that the Act may be cited as the *Australian Citizenship Amendment Act 1993*. The clause also provides that the term "Principal Act" refers to the *Australian Citizenship Act 1948*.

### Clause 2                      Commencement

2        This clause provides that the Act will commence 60 days after the day of Royal Assent.

### Clause 3                      Insertion of Preamble

3        This clause inserts a preamble into the Principal Act after its long title. The preamble contains a recognition of those matters in consideration of which the Parliament of Australia enacts the *Australian Citizenship Act 1948*.

### Clauses 4 to 7                      Consequential amendments to sections 15, 41, 46A and 53 of the Principal Act

4        These clauses make minor consequential amendments to sections 15, 41, 46A and 53 of the Principal Act. References to oaths and affirmations, or the taking of an oath of allegiance or the making of an affirmation of allegiance, are replaced with references to a pledge of commitment or the making of a pledge of commitment, as appropriate.

5        Provision is made in subclauses 6(b) and (d) for evidentiary certificates that may be issued to record details of the making of a pledge of commitment in the same manner as currently provided for oaths and affirmations.

### Clause 8                      Repeal and substitution of Schedule 2

6        This clause repeals Schedule 2 which contains the present oath and affirmation of allegiance. New Schedule 2 sets out the wording of the pledge of commitment as a citizen of the Commonwealth of Australia. The relevance of Schedule 2 to the act of becoming a citizen is found in subparagraph 15(1)(a) of the Principal Act. This provides that a person who is not an Australian citizen by birth, adoption or descent, becomes an Australian citizen once the person has been granted a certificate of citizenship and has made a pledge in either of the forms set out in Schedule 2.

### Clause 9                      Application of Amendments

7        Clause 9 provides that the amendments made to section 15, 41 and 53 have no effect on persons who took the oath or made the affirmation before the commencement of the amendments.

**Clause 10****Transitional - subsection 15(3) of the Principal Act**

8        This clause refers to the requirement in subsection 15(3) for the spouse of a person granted a certificate of citizenship under subsection 13(9) to make a pledge of commitment only after that person has made such a pledge. In those cases where the first person took an oath or made an affirmation before the commencement of the amendments to section 15, and the spouse seeks to make a pledge after that commencement, clause 10 has the effect that the first person is not required to make a pledge in addition to the oath or affirmation already taken or made. This is because section 15(3) as amended does not apply to the first person.