



Australian Citizenship Amendment (Citizenship Testing) Act 2007

No. 142, 2007

An Act to amend the *Australian Citizenship Act 2007*, and for related purposes

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

Contents

1	Short title	1
2	Commencement	2
3	Schedule(s)	2
Schedule 1—Amendments		3
	<i>Australian Citizenship Act 2007</i>	3



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No. 142, 2007

An Act to amend the *Australian Citizenship Act 2007*, and for related purposes

[Assented to 17 September 2007]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Australian Citizenship Amendment (Citizenship Testing) Act 2007*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	17 September 2007
2. Schedule 1	A day or days to be fixed by Proclamation.	1 October 2007 (<i>see</i> F2007L03867)

Note: This table relates only to the provisions of this Act as originally passed by both Houses of the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Australian Citizenship Act 2007

1 Section 2A

Omit:

The third is citizenship by conferral. Generally, you would need to be a permanent resident and willing to make a pledge of commitment to apply for citizenship by conferral. There are some less common circumstances in which you can apply for citizenship by conferral. Citizenship by conferral is covered by Subdivision B.

substitute:

The third is citizenship by conferral. Generally, you would need to be a permanent resident and willing to make a pledge of commitment to apply for citizenship by conferral. You may need to successfully complete a citizenship test. There are some less common circumstances in which you can apply for citizenship by conferral. Citizenship by conferral is covered by Subdivision B.

2 Subparagraph 10(2)(c)(i)

After “Part 2”, insert “or seeking to sit a test approved in a determination under section 23A”.

3 Section 19G

Omit:

- you satisfy the general eligibility criteria: see subsection 21(2); or

substitute:

- you satisfy the general eligibility criteria and have successfully completed a citizenship test: see subsections 21(2) and (2A); or

4 Subsection 21(2)

Repeal the subsection, substitute:

General eligibility

- (2) A person is eligible to become an Australian citizen if the Minister is satisfied that the person:
- (a) is aged 18 or over at the time the person made the application; and
 - (b) is a permanent resident at that time; and
 - (c) satisfies the residence requirement (see section 22), or has completed relevant defence service (see section 23), at that time; and
 - (d) understands the nature of an application under subsection (1); and
 - (e) possesses a basic knowledge of the English language; and
 - (f) has an adequate knowledge of Australia and of the responsibilities and privileges of Australian citizenship; and
 - (g) is likely to reside, or to continue to reside, in Australia or to maintain a close and continuing association with Australia if the application were to be approved; and
 - (h) is of good character at the time of the Minister's decision on the application.
- (2A) Paragraphs (2)(d), (e) and (f) are taken to be satisfied if and only if the Minister is satisfied that the person has, before making the application:
- (a) sat a test approved in a determination under section 23A; and
 - (b) successfully completed that test (worked out in accordance with that determination).

5 After section 23

Insert:

23A Citizenship test

- (1) The Minister must, by written determination, approve a test for the purposes of subsection 21(2A) (about general eligibility for citizenship).

Note: The test must be related to the eligibility criteria referred to in paragraphs 21(2)(d), (e) and (f).

Successful completion of the test

- (2) A determination under subsection (1) must specify what amounts to successful completion of the test.

Eligibility criteria for sitting the test

- (3) A determination under subsection (1) may set out the eligibility criteria a person must satisfy to be able to sit the test.

Note: The eligibility criteria for sitting the test cannot be inconsistent with this Act and in particular subsection 21(2) (about the general eligibility criteria for becoming an Australian citizen).

- (4) For the purposes of subsection (3), the determination may provide that a person is not eligible to sit the test unless the person is a permanent resident and the Minister is satisfied of the identity of the person.
- (5) Subsection (4) does not limit subsection (3).

Other matters

- (6) A determination under subsection (1) may cover any other matter related to the test the Minister thinks appropriate.

Determination not a legislative instrument

- (7) A determination made under subsection (1) is not a legislative instrument.

6 Subsection 40(1)

Repeal the subsection, substitute:

- (1) For the purposes of the Minister being satisfied of the identity of:
- (a) a person in relation to an application under this Part; or
 - (b) a person who has sought to sit a test approved in a determination under section 23A;
- the following persons may request the person, in writing, to provide one or more specified personal identifiers:
- (c) the Minister;
 - (d) a person authorised under subsection (3);

(e) a person who is included in a class of persons authorised under subsection (4).

7 Subsection 40(3)

Omit “paragraph (1)(b)”, substitute “paragraph (1)(d)”.

8 Subsection 40(4)

Omit “paragraph (1)(c)”, substitute “paragraph (1)(e)”.

9 After subsection 46(1)

Insert:

(1A) The fee prescribed by the regulations for applications made under section 21, in relation to persons who have sat a test or tests approved in a determination under section 23A, may include a component that relates to the sitting of that test or those tests.

10 Section 53

Before “The”, insert “(1)”.

11 At the end of section 53

Add:

(2) However, subsection (1) does not apply in relation to the function under subsection 23A(1) (about approval of citizenship test).

12 Application

The amendment made by item 4 applies in relation to applications made on or after the commencement of that item.

13 Transitional

(1) If:

(a) a request was made under subsection 40(1) of the *Australian Citizenship Act 2007* before the commencement of this item; and

(b) the request had not been complied with before that commencement;

the request has effect after that commencement as if it were a request made under that subsection after that commencement.

- (2) An authorisation in force under subsection 40(3) or (4) of the *Australian Citizenship Act 2007* immediately before the commencement of this item has effect after that commencement as if it were an authorisation made under that subsection immediately after that commencement.
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*[Minister's second reading speech made in—
House of Representatives on 30 May 2007
Senate on 8 August 2007]*

(103/07)

Australian Citizenship Amendment (Citizenship Testing) Act 2007 No. 142, 2007 7