

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
THE SENATE

(Presented and read a first time, 6 May 1993)

(MINISTER FOR IMMIGRATION AND ETHNIC AFFAIRS, SENATOR BOLKUS)

A BILL

FOR

An Act to amend the *Australian Citizenship Act 1948*, and for related purposes

The Parliament of Australia enacts:

Short title etc.

1.(1) This Act may be cited as the *Australian Citizenship Amendment Act 1993*.

5 (2) In this Act, “**Principal Act**” means the *Australian Citizenship Act 1948*¹.

Commencement

2. This Act commences on the 60th day after the day on which it receives the Royal Assent.

10 **Insertion of preamble**

3. After the long title to the Principal Act the following preamble is inserted:

“RECOGNISING THAT:—

Australian citizenship represents formal membership of the community of the Commonwealth of Australia; and

Australian citizenship is a common bond, involving reciprocal rights and obligations, uniting all Australians, while respecting their diversity; and 5

Persons granted Australian citizenship enjoy these rights and accept these obligations

by pledging loyalty to Australia and its people, and

by sharing their democratic beliefs, and

by respecting their rights and liberties, and 10

by upholding and obeying the laws of Australia.”.

Effect of grant of certificate of Australian citizenship

4. Section 15 of the Principal Act is amended:

- (a) by omitting from subparagraph (1)(a)(i) “takes an oath of allegiance or makes an affirmation of allegiance” and substituting “makes a pledge of commitment”; 15
- (b) by omitting from subparagraph (1)(a)(i) “the appropriate form” and substituting “either of the forms”;
- (c) by omitting from paragraph (1)(a) “takes such an oath or makes such an affirmation” and substituting “makes such a pledge of commitment”; 20
- (d) by omitting from subsection (2) “The oath or affirmation of allegiance” and substituting “A pledge of commitment”;
- (e) by omitting from paragraphs (2)(a) and (b) “taken or” (wherever occurring); 25
- (f) by omitting from subsection (3) “take the oath of allegiance, or make the affirmation of allegiance,” and substituting “make a pledge of commitment”;
- (g) by omitting from subsection (3) “taken such an oath or made such an affirmation” and substituting “made such a pledge”; 30
- (h) by omitting from subsection (4A) “the oath of allegiance was not taken, or the affirmation of allegiance was not made,” and substituting “a pledge of commitment was not made”.

Formalities regarding pledge of commitment

5. Section 41 of the Principal Act is amended: 35

- (a) by omitting “the oath or affirmation of allegiance” and substituting “a pledge of commitment”;
- (b) by omitting “taken or”.

Evidentiary certificates

6. Section 46A of the Principal Act is amended:

- (a) by omitting “and” from the end of paragraph (2)(c);
- (b) by omitting “granted.” from the end of paragraph (2)(d) and substituting “granted; and”;
- (c) by adding at the end of subsection (2) the following paragraph:
 - “(e) if it is appropriate to do so, certify that official records show that the person to whom a certificate of Australian citizenship was granted duly made a pledge of commitment on a specified date in accordance with the law under which that certificate was granted.”;
- (d) by omitting “and” from the end of paragraph (4)(c);
- (e) by inserting after paragraph (4)(c) the following paragraph:
 - “(ca) of any matter certified in accordance with paragraph (2)(e) and of the correctness of the official records relating to the pledge of commitment; and”.

Regulations

7. Section 53 of the Principal Act is amended:

- (a) by omitting paragraph (c) and substituting the following paragraph:
 - “(c) the making of a pledge of commitment for the purposes of this Act;”;
- (b) by omitting from subparagraph (f)(ii) “taking of the oath of allegiance” and substituting “making of a pledge of commitment”;
- (c) by omitting from subparagraph (f)(ii) “, granted or taken” and substituting “or granted”.

Schedule 2

8. Schedule 2 to the Principal Act is repealed and the following Schedule is substituted:

“SCHEDULE 2

Section 15

**PLEDGE OF COMMITMENT AS A CITIZEN OF
THE COMMONWEALTH OF AUSTRALIA**

FORM OF PLEDGE NO.1

From this time forward, under God,
I pledge my loyalty to Australia and its people,
whose democratic beliefs I share,
whose rights and liberties I respect, and
whose laws I will uphold and obey.

FORM OF PLEDGE NO.2

From this time forward,
 I pledge my loyalty to Australia and its people,
 whose democratic beliefs I share,
 whose rights and liberties I respect, and
 whose laws I will uphold and obey.”

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Application of amendments

9. The amendments of sections 15, 41 and 53 of the Principal Act made by this Act do not apply to a person who took the oath of allegiance, or made the affirmation of allegiance, before the commencement of this section.

Transitional—subsection 15(3) of the amended Act

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10. If:

- (a) a person (the “**first person**”) has been granted a certificate of Australian citizenship under subsection 13(9) of the Principal Act because the first person is the spouse of a person referred to in subparagraph 13(9)(d)(ii) of the Principal Act; and 15
 - (b) the first person makes a pledge of commitment after the commencement of this section; and
 - (c) the spouse of the first person took the oath of allegiance, or made the affirmation of allegiance, before the commencement of this section;
- subsection 15(3) of the Principal Act as amended by this Act does not apply 20
 to the first person.

NOTE

1. No. 83, 1948, as amended. For previous amendments, see No. 58, 1950; No. 70, 1952; No. 85, 1953; No. 1, 1955; No. 63, 1958; No. 79, 1959; No. 82, 1960; No. 11, 1966; No. 11, 1967; No. 22, 1969; Nos. 99 and 216, 1973; No. 91, 1976; No. 61, 1981; No. 80, 1982; No. 84, 1983; No. 129, 1984; No. 65, 1985; No. 70, 1986; Nos. 86 and 141, 1987; No. 59, 1989; No. 105, 1990; and No. 195, 1991.

