

EXPLANATORY STATEMENT

Issued by the Minister for Immigration, Citizenship and Multicultural Affairs

Australian Citizenship Act 2007

*Australian Citizenship Amendment (Translation Requirements for Applications)
Regulations 2022*

The *Australian Citizenship Act 2007* (the Act) provides for the process of becoming an Australian citizen, the circumstances in which citizenship may cease, and other matters related to Australian citizenship.

Subsection 54 of the Act provides that the Governor-General may make regulations prescribing matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed, for carrying out or giving effect to the Act.

Section 46 of the Act provides that an application under a provision of the Act must be on the relevant form approved by the Minister for the purposes of that provision; contain the information required by the form; be accompanied by any other information or documents prescribed by the regulations; and be accompanied by the fee (if any) prescribed by the regulations.

The *Australian Citizenship Amendment (Translation Requirements for Applications) Regulations 2022* (the Regulations) amends the *Australian Citizenship Regulation 2016* (the Citizenship Regulation) to remove a duplicated requirement to provide English language translations as part of citizenship applications.

The citizenship application form, which must be completed in order to make an application under section 46 of the Act, requires an applicant to provide an official English translation of any documents provided that are not in English. Section 14 of the Citizenship Regulation also provides this requirement. Section 14 is repealed to remove this duplication, removing any confusion and streamlining processing. There is no adverse or practical impact on applications.

A Statement of Compatibility with Human Rights (the Statement) has been completed in accordance with the *Human Rights (Parliamentary Scrutiny) Act 2011*. The overall assessment is that the Regulations are compatible with human rights. A copy of the Statement is at Attachment A.

The Office of Best Practice (OBPR) has been consulted in relation to the amendments. No Regulation Impact Statement is required. The OBPR consultation reference is OBPR22-01692.

Consultations were not considered necessary or appropriate as there is no disadvantageous or practical impact on applications. This accords with section 17 of the *Legislation Act 2003* (the Legislation Act).

The Regulations commence on 1 January 2023.

Further details of the Regulations are set out in Attachment B.

The Department follows standard practices to notify clients about the Regulations, including updating its website and notifying peak bodies.

The Act specifies no conditions that need to be satisfied before the power to make the Regulations may be exercised.

The Regulations are a legislative instrument for the purposes of the Legislation Act.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Australian Citizenship Amendment (Translation Requirements for Applications) Regulations 2022

The *Australian Citizenship Amendment (Translation Requirements for Applications) Regulations 2022* (the Disallowable Legislative Instrument) is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Disallowable Legislative Instrument

The Disallowable Legislative Instrument amends the *Australian Citizenship Regulation 2016* (the Citizenship Regulation) to remove a duplicated requirement to provide English language translations as part of citizenship applications.

The citizenship application form, which must be completed in order to make an application under section 46 of the *Australian Citizenship Act 2007*, requires an applicant to provide an official English translation of any documents provided that are not in English. Section 14 of the Citizenship Regulation also provides this requirement. The Disallowable Legislative Instrument repeals section 14 to remove this duplication, removing any confusion and streamlining processing. There is no adverse or practical impact on applicants or applications.

Human rights implications

The Disallowable Legislative Instrument does not engage any of the applicable rights or freedoms.

Conclusion

The Disallowable Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

Hon Andrew Giles MP

Minister for Immigration, Citizenship and Multicultural Affairs

ATTACHMENT B

Details of the proposed *Australian Citizenship Amendment (Translation Requirements for Applications) Regulations 2022*

Section 1 - Name

This section provides that the name of the instrument is the *Australian Citizenship Amendment (Translation Requirements for Applications) Regulations 2022*.

Section 2 - Commencement

This section provides for the commencement of the instrument.

Subsection 2(1) provides that each provision of the instrument 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.

The effect of the table is that the whole of the instrument commences on 1 January 2023.

Section 3 - Authority

This section provides that the instrument is made under the *Australian Citizenship Act 2007* (the Act).

Section 4 - Schedules

This section provides for how the amendments made by the Regulations operate.

Schedule 1 – Amendments

Part 1 – Amendments

Australian Citizenship Regulation 2016

Item [1] – Section 14

This item repeals section 14 from the *Citizenship Regulation 2016*.

Section 14 refers to the requirement for applicants to provide official English translations to accompany information or documents that are not originally in English for the purpose of paragraph 46(1)(c) of the Act.

The citizenship application form, which must be completed in order to make an application under section 46 of the Act, requires an applicant to provide an official English translation of any documents provided that are not in English.

This amendment removes the requirement to provide English language translations as part of citizenship applications from the Regulation. Section 14 of the Regulation duplicates the requirement made on the application form and may be removed without any adverse or practical impact on applications.

Part 2 – Application of amendments

Australian Citizenship Regulation 2016

Item [2] – At the end of Part 4 add

This item inserts new section 32 into Part 4.

This item provides that the amendment to remove the duplicated requirement applies to all undecided applications. There is no disadvantageous impact on applicants or applications.

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