

Our ref: R90/0032-03
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25 February 2019

The Hon David Coleman MP
Minister for Immigration, Citizenship and Multicultural Affairs
Parliament House
CANBERRA ACT 2600

By email: natoceremonies@homeaffairs.gov.au

Dear Minister

Australian Citizenship Ceremonies Code

Thank you for the opportunity provide feedback on proposed changes to the Australian Citizenship Ceremonies Code.

Local Government NSW (LGNSW) is the peak body for local government in NSW, representing NSW general purpose councils and related entities. LGNSW facilitates the development of an effective community-based system of local government in the State.

Proposed changes

In January 2019 you wrote to councils across Australia proposing four changes to the Australian Citizenship Ceremonies Code. These changes are that:

1. Councils will be required to hold a citizenship ceremony on Australia Day (26 January) and Australian Citizenship Day (17 September).
2. Federal members of Parliament, if attending a ceremony, should read the Minister's message at citizenship ceremonies.
3. There will be a recommended standard of dress for ceremonies, which will be set by councils. The attire of attendees at citizenship ceremonies should reflect the significance of the occasion. Conferees may wear national or cultural dress if they wish.
4. Ceremonies must be scheduled to avoid parliamentary sitting days.

Separately, on 13 January 2019 you announced that councils that choose not to hold a citizenship ceremony on Australia Day will be in breach of the Code and will have their authorisation to host citizenship ceremonies revoked¹.

Citizenship ceremonies hosted by councils in NSW

As the sphere of government closest to the people they represent, councils work tirelessly to create socially cohesive societies and a sense of belonging for all members of the community. This enduring interest of councils in the wellbeing of their communities is reflected in LGNSW's Social and Community Policy Principle which notes that:

Local government in NSW is committed to the principles of:

- *Equity – fair distribution of resources*
- *Rights – equality for all people*
- *Access – to services essential to quality of life*
- *Participation – of all people in their community*
- *Recognition – of the unique place of Aboriginal people in NSW and the right of Aboriginal people to be involved in all decisions affecting Aboriginal communities.*

Councils in NSW undertake a range of activities that support multicultural communities and promote social cohesion, including through assisting culturally and linguistically diverse communities to participate in their local community; refugee resettlement and services for newly arrived migrants; participating in and supporting Harmony Day; holding citizenship ceremonies and cultural events; and facilitating peer support for council staff working with multicultural communities.

Citizenship ceremonies are respectfully and meaningfully celebrated in councils and communities throughout NSW on various dates throughout each year, formally welcoming new citizens as full members of the Australian community. While Australia Day is typically a popular day for the conferral of citizenship, the overwhelming majority of new citizens receive their citizenship conferral at ceremonies taking place on days other than Australia Day.

In your 26 January 2019 media release, you announced that 16,212 people from 146 different countries would make the pledge to become Australian citizens that day at more than 365 ceremonies across the nation, and released statistics showing that there were 101 ceremonies held that day in NSW.²

¹ Minister for Immigration, Citizenship and Multicultural Affairs, the Hon David Coleman MP, *Government to Require Councils to hold Australia Day Citizenship Ceremonies*, 13 January 2019.

² Minister for Immigration, Citizenship and Multicultural Affairs, the Hon David Coleman MP, *Australia welcomes more than 16,000 new citizens on its national day*, 26 January 2019.

Given there are 128 councils in NSW, and that at least some of the 101 ceremonies were hosted other than by local governments³, it is unclear if the Australian Government intends to consider the dozens of councils in NSW (and more than 100 across Australia) who did not hold a ceremony to be in breach of the Code.

While the clear majority of councils in NSW do hold citizenship ceremonies on Australia Day, there are a number of reasons that councils may not. These include:

- Avoiding the heat of the day by holding citizenship ceremonies the evening prior to Australia Day,
- Allowing new Australians to mark Australia Day as citizens by holding citizenship ceremonies in advance of Australia Day (similar to Australia Day awards which are celebrated on the evening prior to Australia Day),
- Councils – particularly in less populated areas – that do not have any residents awaiting citizenship conferral and thus no cause for a ceremony on Australia Day,
- Councils holding citizenship ceremonies on days other than public holidays to avoid significant additional event and staff costs associated with holding citizenship ceremonies on a public holiday, and for which councils receive no direct funding, and
- Councils that, in consultation with their Aboriginal and Torres Strait Islander and wider communities, have determined to hold respectful and meaningful citizenship ceremonies on days other than Australia Day, giving effect to the views and preferences of their local communities.

Costs of conducting citizenship ceremonies

Councils across NSW embrace and value the opportunity to support their communities through the conferral of citizenship on new Australians. However, it is also important that the federal government adequately funds local governments for this important role while avoiding the imposition of additional costly requirements on councils.

Conducting citizenship ceremonies involves considerable expense for councils, including wages for time spent by council officers on event coordination, costs incurred in the use of facilities and other in-kind contributions from council. These costs are significantly greater for events held on public holidays.

These costs represent a key example of cost shifting, which occurs when state and federal governments force councils to assume responsibility for infrastructure, services and regulatory functions without providing sufficient supporting funding.

³ For example, the Governor-General held a citizenship ceremony at Admiralty House in Sydney on Australia Day 2019.

Cost shifting also forces councils to divert ratepayers' funds away from much-needed local infrastructure projects, to meet additional demands placed on them by state and federal governments.

LGNSW recommends that the federal government adequately funds local governments for the costs incurred in holding citizenship ceremonies. This would be best achieved through ensuring the long-term sustainability of local governments by restoring the quantum of Financial Assistance Grants from the federal government to local government to at least one per cent of Commonwealth taxation revenue. LGNSW, including through the Australian Local Government Association, has continued to call for action from the Australian Government on this important issue.

Respecting differing views on Australia Day

The Board of Directors for the National Australia Day Council (NADC) is appointed by the Prime Minister of Australia. The NADC's most recent (2017-18) annual report notes that:

Australia Day means something different to everyone. It is important that all Australians participate in a way that is right for them and that we all respect their differing views.

We respect the views of Aboriginal and Torres Strait Islander people who consider 26 January as a day of mourning, or a day to mark the survival of their ongoing history, traditions and cultures.⁴

Further, the NADC lists one of its strategic focus areas as:

Meaning: Through a range of initiatives and program we promote the meaning of Australia Day by encouraging Australians to reflect, discuss and debate what it means to be Australian⁵.

Councils give voice to their communities and provide a forum for Australians to reflect, discuss and debate what it means to be Australian. Ultimately, councils reflect the views and interests of their local citizens to whom they are democratically accountable.

In line with the sensible positions of the NADC, councils mark Australia Day in ways that are right for their individual communities, and should be free to determine the timing of events they hold. As the NADC notes, it is important that all Australians respect these differing views.

⁴ National Australia Day Council, *Annual Report 2017-18*.

⁵ National Australia Day Council, *About the NADC*, available at: www.australiaday.org.au/nadc/about-the-nadc [accessed 10 February 2019].

In the same vein, it is important that the Australian Government respects the differing views of local communities and their democratically elected councils regarding the timing and ways in which they respectfully and meaningfully mark and celebrate Australia Day.

Dress code

Councils undertake the vast majority of citizenship ceremonies on behalf of the Department of Home Affairs. Overwhelmingly, the standard of dress at council run citizenship ceremonies has not been an issue of concern for councils. In the experience of councils, new Australians and their guests attend ceremonies in suitably formal and respectful attire reflecting the importance of the occasion, including at times in national or cultural dress of their countries of origin.

Imposing additional regulations around dress code for citizenship ceremonies appears to impose additional regulatory complexity on the conferral of citizenship, in the absence of any demonstrated need.

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LGNSW is grateful for the opportunity to provide feedback on proposed changes to the Australian Citizenship Ceremonies Code. However, it is the view of councils that proposals to impose a dress code and force all councils to hold citizenship ceremonies on Australia Day are unnecessary, impractical and do not allow councils to reflect the views of their local communities.

These proposals are also inconsistent with the position of the National Australia Day Council which calls for all Australians to respect differing views on how Australians choose to mark Australia Day.

LGNSW recommends that the Australian Government respects local democracy by not proceeding with the imposition of mandatory dates for citizenship ceremonies, and not proceeding with requirements for a dress code for citizenship ceremonies.

For further information on this matter, please ask you staff to contact me at lgnsw@lgnsw.org.au or on 02 9242 4062.

Yours sincerely

Kylie Yates
Director Advocacy

