EXPLANATORY MEMORANDUM

Australian Citizenship Amendment (Ceremony Integrity) Bill 2026

EM-CCI 2026/01

Circulated by authority of the Member presenting the Bill

General outline

This Bill amends the Australian Citizenship Act 2007 to put the invitation and conduct rules for citizenship ceremonies into the Act. It gives legal effect to Citizenship Ceremony Integrity Policy CCI-P 2026/01.

A citizenship ceremony is the public act by which a person who has already been approved under the Act makes the pledge of commitment. Sections 26 and 27 already regulate when and how the pledge is made. They say nothing about who is invited into the room, when the invitation is sent, or whether a Minister may add party colleagues while sitting members whose constituents are being conferred are left off the list.

Those matters have been left to the Australian Citizenship Ceremonies Code. The Code already tells organisers to invite the local federal member and a senator from the government, the opposition and the cross-bench, and already requires speeches to be apolitical. The Code is guidance. It did not bind the Minister's office. It did not require simultaneous dispatch. It treated "the local member" as the member for the venue. It had no public register.

Why the Bill is needed

In late February and early March 2025 the Department of Home Affairs conducted a concentrated program of departmental ceremonies. About 25 ceremonies conferred citizenship on approximately 11,900 people. Senate estimates evidence and contemporaneous reporting established that:

(a) 21 of the 25 ceremonies were held in Labor-held seats, and only one in a Coalition-held seat;

(b) the Department invited the member for the venue and, on its account, a member of an alternate major party, while additional invitations were issued by the Minister's office;

(c) invitations were staggered — government and Greens members commonly received invitations days before Coalition senators, in some cases after the RSVP date;

(d) some ceremonies invited a Greens MP and a Labor senator and no Coalition senator;

(e) the sitting independent member for Fowler was not invited to the Olympic Park ceremonies at which Fowler residents were conferred, while the Labor candidate for Fowler attended;

(f) other sitting members with constituents on the list said they received no invitation;

(g) federal contact details were supplied on request rather than pushed to every relevant office;

(h) in April 2025 a sitting opposition member's speaking role at a council ceremony was withdrawn on caretaker grounds while the government member still spoke.

Senator James Paterson put those facts to the Department in estimates and described the administration as dirty politics. Officials denied ministerial direction on selections and accepted that the process had created a perception of partisanship. Perception is not the whole problem. The effect of a request-based, staggered, venue-only list, with a ministerial overlay, is that new citizens meet the government and its allies first. That is the mischief the Bill closes.

The Bill does not change who is eligible for citizenship, who must make the pledge, or how long an approved person has to make it. It does not slow conferral. It stops the welcome being run as a campaign event.

Constitutional basis

The Bill amends a law with respect to naturalization and aliens (Constitution s 51(xix)) and incidental matters. The invitation duties attach to a ceremony at which a statutory pledge is administered. They do not regulate state electoral processes or compel a member to attend.

Financial impact

The Bill requires the Department to maintain a contact register, to attach a member-identification list to each conferree list, to publish an invitation register after each relevant ceremony, and to table an annual report. Those are administrative costs within existing departmental resources. No new agency is created. No penalty unit revenue is assumed.

Notes on clauses

Clause 1 — Short title

The Act is the Australian Citizenship Amendment (Ceremony Integrity) Act 2026.

Clause 2 — Commencement

The Act commences 28 days after Royal Assent. The delay is so the Secretary can stand up the contact register and the simultaneous-dispatch protocol before the duties bite.

Clause 3 — Schedules

Standard scheduling clause.

Schedule 1 — Amendment of the Australian Citizenship Act 2007

Item 1 — New sections 27A to 27Q

The new Division sits immediately after section 27, which is the existing provision about how the pledge is made. Ceremony integrity is a condition of the occasion on which the pledge is made, not a rewrite of eligibility.

Section 27A — Simplified outline

The outline states the four operative ideas: simultaneous invitations; constituent-based House lists plus a balanced Senate class; sitting members before candidates; a public register. It is not the operative text.

Section 27B — Definitions

Candidate is drawn broadly enough to catch a person who has announced but not yet nominated, which is the Fowler problem. Usual residential address follows the application record unless the conferree has notified a later address, so the Department is not required to run a separate electoral-roll match. Official Opposition follows recognition in the House.

Section 27C — Application

One rule for every host. Departmental ceremonies are not a special class. The Code survives as operational guidance but cannot undercut the Division.

Section 27D — Mandatory invitees

Paragraph (1)(a) is the central change. The invitation follows the conferree, not only the hall. A mass ceremony at Olympic Park that confers residents of Fowler, Hughes, Reid and Werriwa must invite each of those members, not only the member for the venue.

Paragraphs (1)(c) to (e) convert the Code's government / opposition / cross-bench senator rule into a duty. The duty is to the class. Subsection (2) picks the nearest electorate office so the Department cannot shop for a friendly senator of that class.

Subsection (3) preserves ministerial precedence to preside. Precedence is not a power to rebuild the list. Subsection (4) restates the Code rule against delegates in an official capacity.

Section 27E — Simultaneous invitation and equal notice

This section answers the staggered-dispatch evidence: Labor and Greens members invited on 13 February 2025, Coalition senators days later, in some cases after the RSVP date. A gap of more than two hours between first and last mandatory invitation is a failure unless a systems outage is documented.

Ten days' notice is the default. The only exception is a conferree about to lose the section 26 period. A Minister's diary is not an exception. Subsection (5) abolishes request-based contact. The Department must keep and use a contact register.

Section 27F — Department to identify members with conferrees

Councils cannot be expected to map a conferree list to divisions. When the Department issues the list it must attach the federal members and senators who are mandatory invitees. That is how a council ceremony is brought up to the same standard as a departmental ceremony.

Section 27G — Candidates and non-sitting persons

A candidate may sit in the public gallery. A candidate may not take an official invitation, a speaking role or a reserved official seat unless every sitting mandatory invitee has already been invited. A candidate must not be invited instead of a sitting member. This is the statutory answer to the Fowler facts.

Section 27H — Additional invitations

A Minister may still invite extra guests. The extra list is not a private overlay. It cannot issue before the mandatory list, and it cannot give a government colleague a speaking role, reserved seat or earlier notice that a non-government mandatory invitee is denied. Every extra invitation is published.

Section 27J — Speaking roles

Every House member with conferrees is offered a speaking role. If time does not permit all of them to speak, places run venue member first, then members by number of conferrees, then an opposition senator and a non-government non-opposition senator. A government senator does not jump that queue. Presiding is separate from attending.

Section 27K — Conduct of official guests

The Code's apolitical, bipartisan and secular rule becomes a statutory duty. Subsection (3) gives working examples so an electorate-boundary pitch or a how-to-vote card is not argued to be a welcome.

Section 27L — Invitation register

The register is the enforcement mechanism. Publication within 10 business days, conferree names omitted, seven-year retention. A staggered or selective list will be visible without a senator having to extract the dates in estimates.

Section 27M — Venue, scheduling and concentrated programs

Venue choice by capacity and the residential distribution of people waiting is lawful. Venue choice to land the local-member invitation on a preferred party is not. A 60-day concentrated departmental program must offer equivalent scheduling to regional councils with approved applicants waiting, or explain the failure in the annual report. Ceremonies must not be bunched around a Minister who wishes to be photographed and is not required to preside.

Section 27N — Election and caretaker period

Subsection (1) answers the Rockingham withdrawal: a speaking role already offered to a sitting member is not pulled because an election has been called while the government member still speaks. If caretaker guidance confines speeches to a welcome, the confinement applies to every speaker.

Subsection (3) stops a repeat of an industrial-scale departmental program in the three months before a writ may be issued, except to save a conferree whose section 26 period is expiring.

Section 27P — Report to the Parliament

An annual tabled report lists failures of simultaneous dispatch, missing classes, additional invitations by party, and the party distribution of venues in any concentrated program. The first report that covers a year in which a concentrated program occurred is to be read against the 2025 facts.

Section 27Q — Review

An independent review starts within two years. The report is tabled.

Item 2 — Application

The new Division applies to ceremonies on or after commencement. It does not reopen 2025 ceremonies. It stops the next program being run the same way.

Statement of compatibility with human rights

This Bill 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.

The Bill engages the right to take part in public affairs and the right to freedom of expression only at the margin. It does not restrict a candidate's right to attend a public ceremony. It restricts official hospitality and official speaking time so that sitting members whose constituents are being welcomed are not displaced by a candidate or by a government colleague from another division. That is a proportionate incident of a civic ceremony, not a restriction on political communication.

The Bill does not alter the right of an approved person to become a citizen or to make the pledge.