EXPLANATORY STATEMENT

Australian Citizenship Act 2007

INSTRUMENT OF AUTHORISATION

1. This Instrument is made under subsections 40(3), 40(4) and 42(3) of the Australian Citizenship Act 2007 (‘the Act’).

2. Subsection 40(3) of the Act provides that the Minister may, by writing, authorise a person to request an applicant for Australian citizenship or a person who has sought to sit a citizenship test to provide one or more personal identifiers.

3. Subsection 40(4) of the Act provides that the Minister may, by legislative instrument, authorise a class of persons who may request an applicant for Australian citizenship or a person who has sought to sit a citizenship test to provide one or more personal identifiers. Section 10 of the Act sets out what are personal identifiers for the purposes of the Act.

4. Subsection 42(3) of the Act provides that the Minister may, in writing, authorise a specified person, or any person included in a specified class of persons, to access identifying information of the kind specified in the authorisation. Section 3 of the Act defines what is identifying information.

5. Subsection 42(4) of the Act provides that the Minister must specify in an authorisation under subsection 42(3) as the purpose or purposes for which access is authorised one or more of the purposes set out in subsection 42(4).

6. The purpose of the Instrument is twofold. One purpose is to authorise certain persons or classes of persons to request in writing, an applicant for Australian citizenship or a person who has sought to sit a citizenship test, to provide one or more specified personal identifiers. The other is to authorise certain persons or classes of persons to access identifying information necessary for the purposes of the Act.
7. The Instrument operates to authorise certain classes of person occupying or performing the duties of specified positions to request in writing an applicant for Australian citizenship to provide one or more specified personal identifiers in support of their application.

8. The Instrument also authorises certain persons or classes of persons to access any kind of identifying information for any one or more of the following purposes:
   - assisting in the identification of, or to authenticate the identity of an applicant for Australian citizenship;
   - combating document and identity fraud in citizenship matters;
   - disclosing identifying information in accordance with Division 5 in Part 2 of the Act;
   - administering or managing the storage of identifying information;
   - making identifying information available to the applicant to whom it relates;
   - modifying identifying information to enable it to be matched with other identifying information;
   - modifying identifying information for correction of errors or to ensure compliance with appropriate standards;
   - complying with Australian laws; and
   - for purposes of the Act or the Migration Act 1958 or the regulations made under those Acts.

9. Pursuant to section 18 of the Legislative Instruments Act 2003 consultation was not necessary. The Instrument is of a minor or machinery nature.

10. A Preliminary Assessment for this proposed change has been sent to the Office of Best Practice Regulation, and they have advised that a Regulatory Impact Statement is not required because there is little or no compliance cost on business and no other impacts on business and individuals or on the economy or on competition.

11. The Instrument, IMMI 10/084, commences on the day after registration on the Federal Register of Legislative Instruments.