# Explanatory Statement

*Australian Citizenship Act 2007*

**INSTRUMENT OF AUTHORISATION 2015**

(Subsection 27(5))

1. This Instrument is made under subsection 27(5) of the
*Australian Citizenship Act 2007* (the Act).
2. The Instrument Revokes Instrument number IMMI 11/079 (F2011L02759) under subsection 33(3) of the *Acts Interpretation Act 1901*.
3. The purpose of the Instrument is to update the existing arrangements of authorised persons and classes of persons to be eligible to receive a pledge of commitment.
4. The Instrument operates to allow authorised persons to receive the pledge of commitment. Subsection 26(1) of the Act requires that a person must make a pledge of commitment to become an Australian citizen unless they meet the requirements set out in paragraphs 26(1)(a), or (b) or (c). A person required to make a pledge of commitment becomes an Australian citizen on the day on which the pledge of commitment is made.
5. Pursuant to subsection 18(1) of *the Legislative Instruments Act 2003* consultation was not necessary. The Instrument is of minor or machinery of nature and does not substantially alter existing arrangements.
6. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR reference 17325).
7. Under section 42 of the *Legislative Instruments Act 2003* the Instrument is subject to disallowance and therefore a Statement of Compatibility with Human Rights has been provided.
8. This Instrument commences on the day after registration on the Federal Register of Legislative Instruments.

**Statement of Compatibility with Human Rights**

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

**Instrument of authorisation under subsection 27(5) of the**

***Australian Citizenship Act 2007* (Instrument number IMMI 15/064)**

This 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 Legislative Instrument**

This Legislative Instrument revokes Legislative Instrument number IMMI 11/079 (F2011L02759), signed on 12 December 2011 and replaces it with a new Legislative Instrument number IMMI 15/064 signed on 17 August 2015.

This Legislative Instrument includes additional classes of persons before whom a pledge of commitment may be made, being:

* the Governor-General;
* State Governors;
* Chair, Deputy Chair and Superintendent of the Weipa Town Authority; and
* Executive Level 1 officers within the Stakeholder Engagement and Citizenship Ceremonies Section of the Permanent Visa and Citizenship Programme Branch of the Department of Immigration and Border Protection.

**Human rights implications**

This Legislative Instrument has been assessed against the seven core international human rights treaties and does not engage any of the applicable rights or freedoms.

**Conclusion**

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

**The Hon. Peter Dutton MP**

**Minister for Immigration and Border Protection**