

WESTERN AUSTRALIAN GOVERNMENT SUBMISSION TO THE INDEPENDENT REVIEW COMMITTEE REVIEW OF THE AUSTRALIAN CITIZENSHIP TEST

MAY 2008

Introduction

1. The Western Australian Government believes that empowerment, inclusiveness and equity must form the basis of a democratic multicultural society. Australian society is a diverse, liberal democratic society, encompassing a wealth of cultures, histories and traditions. This diversity is inseparable from, and guaranteed by, Australia's traditions of egalitarianism and democracy.
2. With regard to citizenship, the WA Government believes that all Australians should recognise and accept the following declaration of commitment:
 - I. to value the unique status of Australia's Indigenous and Torres Strait Islander people;
 - II. to respect and care for the land we share;
 - III. to maintain the rule of law and the ideal of equality under the law for all Australians;
 - IV. to strengthen Australia as a representative liberal and social democracy based on universal suffrage and freedom of opinion;
 - V. to uphold the ideal of Australia as an accepting, open and fair society that encourages mutual respect, participation and interaction between its citizens;
 - VI. to recognize and celebrate Australia as an inclusive multicultural society devoted to the wellbeing of all its people.ⁱ
3. The WA Government did not support the introduction of the test. Concerns included:
 - the test is a costly and ineffective means of testing a person's commitment to Australia;
 - funds allocated to the Test would be better spent on the provision of settlement programs, including English language training, for new migrants and refugees;
 - the test discriminates in favour of people from English-speaking backgrounds and against people who have a low level of English. In doing so, it further discriminates against refugees for whom citizenship is arguably more important; and
 - the suggestion that prospective citizens should pass a test to ensure that they have a functional level of English and a level that allows them to participate in education and employment is not supported by evidence or history.
4. The WA Government notes that the Australian Government considers that:
 - undertaking a citizenship test should be an important and constructive part of the journey towards citizenship;
 - a citizenship test can play a valuable role in both encouraging people to find out more about our great nation as well as understanding the responsibilities and privileges which being an Australian citizen brings. This knowledge will help ensure that people understand the significance of the words of the Pledge of Commitment which new citizens make at their citizenship ceremony; and
 - a test is a useful mechanism for determining whether a person meets the general legal requirements for becoming an Australian – including whether they possess a basic knowledge of the English language.ⁱⁱ
5. The WA Government further notes that Senator Evans has advised the Independent Review Committee that:
 - there will be a test; and
 - the test will be in English.This submission is made within this context.

Purpose of the Test

6. The WA Government considers that the purpose of the test should be reviewed and clarified.

As part of its rationale for introducing the test, the previous Australian Government referred to its role in assessing a person's commitment to Australia and increasing the potential for successful integration in Australian society. However, the act of sitting and passing a test of the English language and knowledge of Australia does not of itself demonstrate a commitment to Australia and has the potential to exclude and marginalise some sections of Australian society.

7. The WA Government notes the potential for a test to underscore the value of citizenship. However, the test should be designed to assess whether or not a person meets the legislative requirements for becoming an Australian citizen and should not unfairly discriminate against any individual or group.
8. Under the *Australian Citizenship Act 2007*, successfully completing the citizenship test is the only means by which most applicants for Australian citizenship can demonstrate that they meet certain legislative criteria, specifically, that they have:
 - an understanding of the nature of their application
 - a basic level of English
 - an adequate knowledge of Australia and the responsibilities and privileges of Australian citizenship.
9. Each of these requirements must be clearly defined before a test can be designed that accurately assesses the extent to which a prospective citizen meets each of the legislative criteria. That is, what is meant by "nature of the application"; "basic level" of English; "adequate" knowledge of Australia; and the responsibilities and privileges of Australian citizenship must be clearly defined.
10. The language, structure, content and delivery of the test should be designed to avoid the potential to discriminate against any individual or group, for example, people with a low level of English language proficiency.

Content of the Test

11. The focus of the test should be on knowledge that is necessary for prospective citizens to actively participate as Australian citizens, in particular, to ensure a basic understanding of the structure of the Australian Commonwealth, State and Local governments including the electoral system and parliamentary processes.

Content could include subjects such as the federal system of government; role of the Governor General and State Governors; major political parties in Australia; government structures; and the electoral system.

12. It would be inequitable to require candidates for citizenship to acquire knowledge and skills that are not required of existing citizens, including those people who are born in Australia and those who have previously gained citizenship. If it is considered appropriate that prospective citizens need to have this knowledge, then the Australian Government should ensure that such knowledge is incorporated into education curricula at primary and secondary levels.

13. It is suggested that the requirement at least 60% correct answers rather than 50% be reviewed i.e. whether an additional two questions answered correctly is significant.
14. There is merit in mandatory questions on the responsibilities and privileges of citizenship however any written material, discourse and the test itself should avoid reference to any particular “Australian values” given these are difficult to define and their “uniqueness” is open to question.

As part of its rationale for a test, the former Australian Government argued that a test would provide an incentive to “understand the Australian way of life and our shared values”. This assumed (incorrectly) that there was shared agreement regarding what constitutes, without providing further definition, the “Australian way of life” and “Australian values”. However, the “Australian way of life” is diverse (including both inter- and intra-State), dynamic and constantly changing; and there has been no national agreement on values, either publicly sanctioned or formally documented, such as through a constitutional bill of rights or national human rights legislation.

It is recommended that any reference to values needs to be in the context of values or fundamental tenets consistent with a liberal democracy such as Australia. In addition (or alternatively), values could be placed in the context of relevant and appropriate legislation such as Equal Opportunity laws thereby avoiding subjective judgements. Providing definition or an objective basis for the test and its questions would remove any perception that the test is politically motivated, divisive or intended to discriminate.

15. It is not necessary to test knowledge of Australian sport. If knowledge of characters and places are to be tested, they should be those that are considered to be important for active citizenship such as the name of Australia’s recent Prime Ministers and capital/major cities.
16. In order to assess the Act’s requirement that a person “understands the nature of [their] application”, the test needs to ensure it tests how this understanding has been obtained and what is required for this understanding to be achieved.

English Language Assessment

17. Agreement needs to be reached regarding what constitutes a “basic level of English” and the means by which English language proficiency is measured must be consistent.

Currently, an ISLPR of Level 2 is used as the benchmark for exiting the Adult Migrant English Program (AMEP). ISLPR 2 is defined as Basic Social Proficiencyⁱⁱⁱ and is indicative of the individual’s acquisition of basic interpersonal communication skills. Achievement of oral skills at ISLPR 2 indicates that an individual is:

“Able to satisfy basic social needs, and the requirements of routine situations pertinent to own everyday commerce and recreation and to linguistically undemanding ‘vocational’ fields. The learner sustains basic social conversations on everyday topics, routine transactions pertinent to own consumption of goods and services, and routine tasks in a ‘vocational’ area which does not require high-level or specialised language skills.”^{iv}

18. The majority of students who exit the AMEP do not achieve the Certificate III (ISLPR Level 2). If this level of English language is required for citizenship there needs to be an increase in resources directed towards the AMEP and other English language training programs to ensure that people from non-English speaking backgrounds and who require assistance to achieve the level required for citizenship are not disadvantaged.

19. The test and related documentation should be written in a manner that is accessible and appropriate to the level of English language proficiency required for citizenship.

Community Education

20. The test should be accompanied by relevant community education, support and training, including:
- provision of learning materials in various formats, including audio and Braille, and continue to be provided in other languages;
 - availability of learning materials and resources should be publicized; and
 - funding made available for relevant Government and non-Government agencies to provide relevant support.

End Notes

ⁱ Australian Labor Party (WA Branch) *Multicultural Interests – Valuing Diversity*, as amended June 2007

ⁱⁱ Australian Government (2008) *Review of the Australian Citizenship Test – Terms of Reference* -

ⁱⁱⁱ Wylie and Ingram (1999) *ISLPR: General Proficiency Version for English*, Centre for Applied Linguistics and Languages, Griffith University

^{iv} *ibid*