



## RESEARCH NOTE

INFORMATION, ANALYSIS  
AND ADVICE FOR THE PARLIAMENT2002-03  
No. 20, 19 November 2002**Changes in the Australian Oath of Citizenship**

The changes in the oath of citizenship over the last 50 years reflect the evolution of Australia from British colony to independent multicultural nation.

**Background**

Australian citizenship was vigorously debated at the Federation conferences held during the 1890s. During this decade the word 'citizen' appeared:

again and again, in speeches, in the press, in the rules and charters of organisations, and in debates about political entitlement.<sup>1</sup>

Surprisingly the final version of the Constitution did not reflect this intense debate.

Although the final Constitution gave the Commonwealth the power to make laws with respect to naturalisation and aliens, it did not mention or define Australian citizenship. The closest statement in the Constitution on citizenship is found in s. 117 which uses the word 'subject' rather than 'citizen':

A subject of the Queen, resident in any State, shall not be subject in any other State to any disability or discrimination which would not be equally applicable to him if he were a subject of the Queen resident in such other State.

Section 24 uses the phrase 'people of the Commonwealth', and s. 44 uses the term 'citizen' in regard to persons who are 'subjects or citizens' of a foreign power and therefore ineligible to stand for federal parliament.

The concept of Australian citizenship therefore did not exist—it was not a formal legal term.<sup>2</sup>

In 1914 British nationality was, for the first time, defined in legislation. Self-governing member countries of the British Empire passed nationality acts based on the UK legislation and adopted a British nationality 'common code' which provided British subjects with a common status.<sup>3</sup>

In 1947 Canada departed from this common code with legislation which 'gave Canadians their own Canadian citizenship status whilst continuing to hold British subject status'.<sup>4</sup> Prompted by the 1947 Canadian Act other Commonwealth countries, including Britain, Australia and New Zealand introduced similar legislation.

Australians, who until 1949 had been British subjects, were now Australian citizens and British subjects simultaneously. This situation remained from 1949 until 1984.

**Australian Citizenship**

The legal status of Australian Citizen came into effect on 26 January 1949 with the passage through Parliament of the *Nationality and Citizenship Act 1948*.<sup>5</sup> The Minister for Immigration, the Hon. Arthur Calwell said:

This is an historic occasion in the life of our nation. The bill ... seeks to establish for the first time the principle of Australian citizenship, while maintaining ... the common bond of British nationality. ... this bill ... will enable Australia to proclaim its own national citizenship and establish the duties and responsibilities as well as the rights and privileges that are inherent in it.<sup>6</sup>

Sir Ninian Stephen, former Justice of the High Court and former Governor-General of Australia, has suggested that the notion of citizenship in fact made very little impact on the Australian community:

Australian citizenship has none of the aura which surrounds the concept of being a citizen of the United States nor ... [with] being a citizen of France. This is, I believe, largely because our citizenship has not had to be fought for but has come to us gradually, without fanfare and without struggle.<sup>7</sup>

Since 1949 Australian governments have actively encouraged immigrants to become citizens:

The great achievement of Australian citizenship ... lies not so much with those of us who are Australians born and bred but, rather with those millions who ... have of their own free will chosen to become citizens.<sup>8</sup>

**Changes in the Oath of Allegiance<sup>9</sup>**

The *Australian Citizenship Act 1948* sets out the provisions by which citizenship can be acquired. These are by birth, adoption, descent or grant. One of the requirements of the grant provision was that all new citizens take the oath or affirmation of allegiance (now the pledge). This is an essential rather than a symbolic part of the citizenship process. The changes from the first oath of allegiance to the current pledge are listed below. They reflect the growing diversity of Australia's population and the development of a more inclusive approach to citizenship.

**1948 Nationality and Citizenship Act<sup>10</sup>  
Oath of Allegiance**

I, A. B; swear by Almighty God that I will be faithful and bear true allegiance to His Majesty King George the Sixth, his heirs and successors according to law, and that I will faithfully observe the laws of Australia and fulfil my duties as an Australian citizen.

**1966 Amendment: Insertion of renunciation**

In his Second Reading Speech on the 1966 Bill, the Minister for Immigration, the Hon. Hubert Opperman stated:

... we have decided that the essential words of renunciation should now be incorporated as part of the oath of allegiance to the Queen. The change will simplify and shorten the naturalisation ceremony and enhance its dignity, and will also, I believe, eliminate the emotional disturbance felt by candidates due to their national and rightful love of their homelands.<sup>11</sup>

## Oath of Allegiance

I, A. B., renouncing all other allegiance, swear by Almighty God that I will be faithful and bear true allegiance to Her Majesty, Queen Elizabeth the Second, Her Heirs and Successors according to law.

## Affirmation of Allegiance

I, A. B., renouncing all other allegiance, solemnly and sincerely promise and declare that I will be faithful and bear true allegiance to Her Majesty, Queen Elizabeth the Second, Her Heirs and Successors according to law.

## 1973 Australian Citizenship Act: insertion of reference to Queen of Australia<sup>12</sup>

### Oath of Allegiance

I, A. B., renouncing all other allegiance, swear by Almighty God that I will be faithful and bear true allegiance to Her Majesty Elizabeth the Second, Queen of Australia, Her heirs and successors according to law, and that I will faithfully observe the laws of Australia and fulfil my duties as an Australian citizen.

### Affirmation of Allegiance

I, A. B., renouncing all other allegiance, solemnly and sincerely promise and declare that I will be faithful and bear true allegiance to Her Majesty Elizabeth the Second, Queen of Australia, Her heirs and successors according to law, and that I will faithfully observe the laws of Australia and fulfil my duties as an Australian citizen.

## 1986 Amendment: removal of renunciation<sup>13</sup> and removal of requirement that candidates state their names when taking the oath or making the affirmation

The Human Rights Commission

reviewed the Australian Citizenship Act 1948 in 1982 and recommended that the oath or affirmation of allegiance should not include renunciation of all other allegiance.

In 1986 the Minister for Immigration and Ethnic Affairs, the Hon. Chris Hurford MP, described renunciation as 'ambiguous and unnecessary'.<sup>14</sup>

### Oath of Allegiance

I swear by Almighty God that I will be faithful and bear true allegiance to Her Majesty Elizabeth the Second, Queen of Australia, Her heirs and successors according to law, and that I will faithfully observe the laws of Australia and fulfil my duties as an Australian citizen.

### Affirmation of Allegiance

I solemnly and sincerely promise and declare that I will be faithful and bear true allegiance to Her Majesty Elizabeth the Second, Queen of Australia, Her heirs and successors according to law, and that I will faithfully observe the laws of Australia and fulfil my duties as an Australian citizen.

## 1993 Amendment: introduction of a Pledge of Commitment<sup>15</sup> to replace the oath or affirmation of allegiance and removal of reference to the Crown

In 1993 the ALP made a commitment to 'replace the old Oath of Allegiance with a Pledge of Commitment as a Citizen of the Country of Australia'.<sup>16</sup>

Introducing the legislation the Minister for Immigration and Ethnic Affairs, Senator the Hon. Nick Bolkus said:

... we need to have an oath of allegiance which reflects the core

values of Australia and which is a bonding instrument, and we can do this without any disrespect to our sovereign ...<sup>17</sup>

## Pledge of Commitment

### Form of Pledge No. 1

From this time forward, under God, I pledge my loyalty to Australia and its people, whose democratic beliefs I share, whose rights and liberties I respect, and whose laws I will uphold and obey.

### Form of Pledge No. 2

From this time forward, I pledge my loyalty to Australia and its people, whose democratic beliefs I share, whose rights and liberties I respect, and whose laws I will uphold and obey.

The Pledge came into effect in January 1994. There have been no changes since.

### Deirdre McKeown Politics and Public Administration Group Information and Research Services

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## Endnotes

1. Helen Irving, 'Citizenship before 1949', *Individual Community Nation*, Kim Rubenstein (ed.), Australian Scholarly Publishing, Melbourne, 2000, p.10.
2. Kim Rubenstein, *Australian Citizenship Law in Context*, Lawbook Co., 2002, p. 47.
3. The *British Nationality and Status of Aliens Act 1914*. Australia passed the *Nationality Act 1920*
4. Australian Citizenship Council, *Australian citizenship for a new century*, Canberra, 2000, p. 31.
5. In 1973 the *Nationality and Citizenship Act 1948* was renamed the *Australian Citizenship Act 1948*.
6. House of Representatives, *Debates*, 30 September 1948, p. 1060.
7. Sir Ninian Stephen, 'Australian citizenship: past, present and future', *Monash University Law Review*, vol. 26, no. 2, 2001.
8. *ibid*.
9. For more details of legislative changes see Sarah O'Brien, 'Dual citizenship, foreign allegiance and s. 44(i) of the Australian Constitution', *Background Papers*, no. 29, Department of the Parliamentary Library, 1992, Appendix A.
10. Commenced 26 January 1949.
11. House of Representatives, *Debates*, 31 March 1966, p. 833.
12. The *Australian Citizenship Act 1973* (Cwlth) effective 1 December 1973, also sought to remove the renunciation in the oath but this was defeated in the Senate.
13. Repeal of renunciation on oath by *Australian Citizenship Amendment Act 1986*, effective 20 August 1986.
14. House of Representatives, *Debates*, 19 February 1986, p. 868.
15. *Australian Citizenship Amendment Act 1993*.
16. Australian Labor Party, *Advancing a Multicultural Australia*, Immigration and Ethnic Affairs Policy, 1993 federal election.
17. Senate, *Debates*, 29 September 1993, p. 1439.