

**Senate Community Affairs Legislation Committee, Consistent Waiting  
Periods for New Migrants- Bill 2021**

Public Hearing – 14 September 2021  
ANSWER TO QUESTION ON NOTICE

Department of Social Services

**Topic:** Senate Community Affairs Legislation Committee, Consistent Waiting Periods for New Migrants- Bill 2021 - hearing 13 September 2021

**Question reference number:** IQ21-000107

**Senator:** Polley

**Type of Question:** Spoken. **Hansard Page/s:** 36

**Date set by the Committee for the return of answer:** 17 September 2021

**Question:**

**Senator POLLEY:** You said that there would be an exemption available. Would the department need to contact the partner of the woman before they would be given an exemption based on domestic violence?

**Mr Flavel:** My understanding is no, that's not the case. Certainly, for the committee's benefit—and given that it goes to the administration, which is really a matter for Services Australia and we'll have to follow that up—I think that in previous estimates and other hearings the committee has benefited from hearing from Services Australia directly about how they deal with customers in all circumstances where family and domestic violence is present. Those would be the same processes as would apply here.

**Answer:**

Services Australia does not contact a person's partner (or former partner) in order to consider eligibility for an exemption from the Newly Arrived Resident's Waiting Period for Special Benefit in cases of family or domestic violence.

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**Topic:** Senate Community Affairs Legislation Committee, Consistent Waiting Periods for New Migrants- Bill 2021 - hearing 13 September 2021.

**Question reference number:** IQ21-000108

**Senator:** Polley

**Type of Question:** Spoken. **Hansard Page/s:** 39

**Date set by the Committee for the return of answer:** 17 September 2021

**Question:**

**Senator POLLEY:** Okay. The disability support pension allows access when a person acquires a disability while an Australian resident on a permanent visa. This is because acquiring a disability is not foreseen and occurs suddenly. Why can't the carer payment have a similar provision for when carer responsibilities arise suddenly?

**Mr Flavel:** I might seek to clarify the arrangements under which DSP becomes available.

**Senator POLLEY:** And is there any consideration of making that an exemption? I understand that there is not currently.

**Mr Seebach:** Under the disability support pension rules, there is a 10-year qualifying residence period for new permanent visa holders in Australia. Yes, there is an exemption to that 10 years if a person acquires a disability while living in Australia while on a permanent visa—and obviously they must meet all the eligibility criteria for the disability support pension.

**Senator POLLEY:** They can. So again I ask: has any consideration been given to giving carers that same exemption? Maybe you could take that on notice.

**Answer:**

Under current arrangements, there is no exemption from the Newly Arrived Resident's Waiting Period for Carer Payment for people who acquire caring responsibilities while an Australian resident.

This measure does not propose changes to existing exemption arrangements.

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**Topic:** Senate Community Affairs Legislation Committee, Consistent Waiting Periods for New Migrants- Bill 2021 - Hearing 13 September 2021.

**Question reference number:** IQ21-000110

**Senator:** Nick McKim

**Type of Question:** Spoken. **Hansard Page/s:** 40

**Date set by the Committee for the return of answer:** 17 September 2021

**Question:**

**Senator McKIM:** Does the department expect that some, and potentially millions of, people who will be impacted by the proposed changes will not be newly arrived in Australia?

**Mr Flavel:** If what you mean by that is they may be here in the country and applying for permanent residency, then, yes, that's the case.

**Senator McKIM:** Some may have been in the country for many years before they received permanent residency. Do you accept that?

**Mr Flavel:** No. I might come back to you on that, on notice.

**Senator McKIM:** While you're doing that I would appreciate it if you could, to the extent you're able, acknowledging that some of this data might rest within Home Affairs, provide the committee with any information about the average length of time people impacted by these changes have spent in Australia before becoming impacted.

**Answer:**

Historical data on onshore permanent visa grants is provided in the table below. The Department of Home Affairs has advised data on the average length of time new permanent residents spent in Australia on a temporary visa before being granted their permanent visa is not readily available.

<b>Migration Year</b>	<b>% of Migration Intake who applied onshore</b>
<b>2019-20*</b>	64.5
<b>2018-19</b>	52.6
<b>2017-18</b>	46.6

Source: Australia's Migration Trends 2017-18, 2018-19 and 2019-20 available on the Home Affairs website: <https://www.homeaffairs.gov.au/research-and-statistics/statistics/visa-statistics/live/migration-program>

\* Note: Due to the impact of the COVID-19 pandemic, since March 2020, priority has been given to delivery of onshore components of the Migration Program.

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**Question reference number:** IQ21-000111

**Senator:** Nick McKim

**Type of Question:** Spoken. **Hansard Page/s:**

**Date set by the Committee for the return of answer:** 17 September 2021

**Question:**

**Senator McKIM:** Does the department accept that these measures, should they be passed by the Senate, will result in cost-shifting to state and territory budgets and in increased workloads for charities and non-government organisations?

**Mr Flavel:** That's a contention, Senator. I'm not aware of the evidence that supports that contention. If you've got it, we'd certainly be very happy to look at it.

**Senator McKIM:** We received it from non-government organisations during today's hearing. They believe that there will be increased workload for them. I've given you evidence. When you did introduce waiting periods in 1997 that was the direct feedback that the department received. Fair enough that you want to put it back on me if I'm making these assertions, but I respond by saying, firstly, that's the evidence we are hearing through this committee and, secondly, that's what you were told on a previous occasion when you extended waiting periods. So why would we expect it to be any different this time?

**Mr Flavel:** My point about the 1997 experience is that what matters less than what actually happened is what stakeholders raised at the time. I'm quite happy to look at what actually did happen, bearing in mind the world looked somewhat different then in terms of access to those services and the like. Surely the point is that, if it was introduced at that time and, as you noted, was increased to two years for lots of payments, then it should actually be pretty easy to go back and look at whether there was a substantial increase in demand for those services as a direct result of these measures. I know that it's hard looking back through history to isolate sometimes for one particular event, but nonetheless we're happy to look at that.

I'm certainly not aware of that evidence. I perfectly accept the proposition that some stakeholders have put. I'm still not quite sure that of itself a change to the waiting periods for a subsection of payments—not all payments; not JobSeeker, not parenting payment single

and not youth allowance—would necessarily lead to some of the outcomes, including cost-shifting and/or demand for services, noting that in the background, as I referred to in my opening statement, there are things like the ability for some of those people to potentially go onto special benefit if they've a substantial change in their circumstances and changes to the way Commonwealth services are delivered, including that new payment that has been introduced for women fleeing domestic violence—the \$5,000 payment. So the landscape itself is shifting at the same time in terms of the provision of extra support.

**Senator McKIM:** I'd appreciate it if you would be able to have a look at that and come back to the committee with anything that you are able to.

**Answer:**

The Department of Social Services is not aware of any evidence that this measure will result in cost shifting to states and territories.

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**Topic:** Senate Community Affairs Legislation Committee, Consistent Waiting Periods for New Migrants- Bill 2021 - Hearing 13 September 2021.

**Question reference number:** IQ21-000112

**Senator:** Nick McKim

**Type of Question:** Spoken. **Hansard Page/s:** 42

**Date set by the Committee for the return of answer:** 17 September 2021

**Question:**

**Senator McKIM:** Have you done any modelling on the groups of people that these changes are likely to impact? For example, on socioeconomic status, ethnic and cultural background, age demographics, geographic location where people live, or the length of time that people impacted have been in Australia, have you done any modelling at all, to be able to understand who's going to be impacted by these changes in those demographic terms?

**Mr Flavel:** It's hard to model, given that the people are not currently here. For instance, as to your question of where they might be geographically based, for somebody who has not yet even applied to become a permanent resident here, it's impossible to look at that. What I would say is that in—

**Senator McKIM:** But you could look at historic migration settlement patterns.

**Mr Flavel:** Sure, and we've looked at that. In terms of questions that we've received previously—for instance, on which origin countries this measure might affect—when you look at the historical figures, quite clearly that's the only sort of solid basis to look at, and on that point Mr Sloan is happy, if you would like, Senator, to tell you a few further details.

**Senator McKIM:** Yes, thank you.

**Mr Sloan:** In the 19—19-20 migrant intake, which is the latest available, end of the year, we had 200—

**Senator McKIM:** So that's the 2019 and 2020 migrant intake—

**Mr Sloan:** Correct.

**Senator McKIM:** not the 1920 migrant intake—correct?

**Mr Sloan:** That's correct. Yes, absolutely. That would be a very long answer if I started in 1920! So from India, there were 25,698 people; China, 18,587—

**Senator McKIM:** Actually, Mr Sloan—I do apologise for interrupting—would you mind providing those on notice to the committee? It'd probably save your vocal cords a little bit of a workout as well.

**Mr Sloan:** Yes, absolutely. That's not a problem. We can do that.

**Answer:**

The largest source countries of migrants in 2019–20 were:

- India with 25,698 places
- China, Peoples Republic of (excluding Special Administrative Regions) with 18,587 places
- United Kingdom with 10,681 places
- Philippines with 8,965 places
- Vietnam with 5,398 places
- Nepal with 5,048 places
- New Zealand with 4,997 places
- Pakistan with 4,136 places
- South Africa with 3,743 places
- United States of America with 3,301 places.

Source country data for previous migrant intakes is available on the Department of Home Affairs website at <https://www.homeaffairs.gov.au/research-and-statistics/statistics/visa-statistics/live/migration-program>.

Additional demographic information for previous migration intakes is available in the Australian Migration Statistics at <https://data.gov.au/data/dataset/dba45e7c-81f4-44aa-9d82-1b9a0a121017>.



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**Question reference number:** IQ21-000113

**Senator:** Dean Smith

**Type of Question:** Spoken. **Hansard Page/s:** 44

**Date set by the Committee for the return of answer:** 17 September 2021

**Question:**

**Senator DEAN SMITH:** Very briefly: in some of the submissions there's some commentary about the ease of access in regard to the exemption arrangements. Have any of those concerns or representations been made to the department by various groups?

**Mr Flavel:** I'm not specifically aware of any, but I did see that raised earlier and I'm happy to see about that more generally in the department. I think it would actually be more likely a matter for Services Australia, as the administering agency. But I'm happy to confirm with them whether they've had any particular representations in relation to that ease-of-access question.

**Senator DEAN SMITH:** If possible, I'd just like to see some evidence which demonstrates that where exemptions do exist they're being accessed by eligible people.

**Mr Flavel:** Yes. And, for that reason, I did note with interest some of the comments by stakeholders. We're very happy to take that up with Services Australia to see to what extent that issue has been raised with them and, more importantly, what adjustments or refinements Services Australia has made to its service delivery in order to ensure that there's a response to those concerns raised.

**Answer:**

The Department of Social Services and Services Australia have received feedback from community organisations on Newly Arrived Resident's Waiting Period exemption arrangements and service delivery at times in the past and have worked together to address the feedback where appropriate, within the bounds of the legislation. For example, Services

Australia has updated internal and external information surrounding Special Benefit in regards to the NARWP to ensure clear and helpful information is available.

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**Question reference number:** IQ21-000114

**Senator:** Wendy Askew

**Type of Question:** Spoken. **Hansard Page/s:** 44

**Date set by the Committee for the return of answer:** 17 September 2021

**Question:**

**CHAIR:** The committee is to report to the Senate on 27 September 2021, therefore we're looking for the answers to questions taken on notice by close of business this Friday, 17 September—if possible. Obviously, there were quite a few in that list—and I have an extra one to add. Mr Sloan, you listed a lot of the emails and consultations that you've done and I think that Senator McKim wasn't actually on the line at that time so I'm wondering if you could table that at the same time, if that's okay?

**Mr Sloan:** Yes, I can table that.

**Answer:**

The Department of Social Services emailed the following stakeholders on 6 August 2021 with information about the measure, including an offer to meet with the department to discuss the changes further.

Anglicare	Migration Council Australia
Asylum Seeker Resource Centre	Multicultural Youth Advocacy Network
Australian Council of Social Service	Multicultural Youth Affairs Network NSW
Australian Association of Social Workers	National Ethnic Disability Alliance
Brotherhood of St Laurence	National Council of Women in Australia
Carers Australia	Refugee Advice and Casework Services
Centre for Excellence in Child and Family Welfare	Refugee Council of Australia
Economic Justice Australia	Settlement Council of Australia
Ethics Communities' Council of NSW	Settlement Services International
Ethics Communities' Council of Victoria	St Vincent de Paul

Federation of Ethnic Communities' Council of Australia	UnitingCare
Harmony Alliance	Youth Action
Immigration Advice and Rights Centre	

The department also presented information on the measure to its Community Services Advisory Group (CSAG) on 14 May 2021 and 6 August 2021. Members of CSAG include:

Anglicare Australia	National Disability Services
Australian Council of Social Service	Relationships Australia
Australian Red Cross	Save The Children
Australian Meals on Wheels	Secretariat of National Aboriginal and Islander Child Care
BaptistCare	Settlement Council of Australia
Carers Australia	Southern Youth & Family Services
Catholic Social Services Australia	St Vincent De Paul
Council on the Ageing	The Benevolent Society
Family & Relationship Services Australia	The Salvation Army
Federation of Ethnic Communities Councils of Australia	The Smith Family
Financial Counselling Australia	UnitingCare
Migration Council Australia	Volunteering Australia
Mission Australia	