

NH RECEIVED
30 III 2007
BY: LACA

Submission No.....144
Date Received.....

Sir/Madam,

In accordance with the terms of reference of this Forum I would like to bring to the attention of the members the following submission which we believe displays Discrimination against a certain section of older residents living in Australia. These are the holders of Visa 410's. They are Temporary Residents who were allowed to enter Australia and buy a house to live in with the permission of the Overseas Investment Board in Canberra (Investment properties being excluded.)

My wife (who is now 77yrs old and myself 79) fall into this category as do many other residents here (mainly elderly like ourselves). We wished to join our son, his wife and our two grandchildren (who are all Australian citizens) and make Australia our new home. In our case, we couldn't emigrate fully because we were over retirement age and a "balance of family criteria" was applied. We applied for the Visa 410 instead and this was granted..

At the time of our application for our first Visa all the application forms showed that as temporary residents "we may be granted PERMANENT RESIDENCY after 10yrs as temporary residents. Because of this we sold our house in England, transferred the proceeds of this and all our other assets in England over to Australia and have lived here continuously since our first arrival in March, 1996. (11yrs 4 months ago) on renewed 410 Visas. We are self funded from Superannuation and State Pensions earned in the U.K. The phrase (on permanency after 10yrs temporary residence) has now been removed from current forms. In other words the goalposts have been moved!

We are aware that some time ago legislation was introduced to the House of Representatives and passed to allow this change to happen but when presented to the Senate for ratification to become law it was defeated by the then majority opposition party I subsequently wrote to the office of the Prime Minister, when the government regained control of both houses of parliament, to ask if there were any plans to re-introduce the proposed legislation but received a reply from one of his staff there was no such plan at that time

Under the terms of the Visa 410 we are not allowed to access Centrelink, Medicare or Pharmaceutical benefit schemes but have to carry Private Medical Insurance. Additionally, we have NO POLITICAL REPRESENTATION, for although we are both rate and taxpayers we are DENIED A VOTE AT ALL ELECTIONS..

The current government has repeatedly encouraged people living here to display their loyalty to this country by going the whole way, taking the oath and becoming AUSTRALIAN CITIZENS. We agree wholeheartedly with this and ourselves, would love to do so. However, we have tried but one of the first questions on the application forms immediately excludes us. It reads "When did you first become an Australian Permanent resident and of course we are not and can not

Our submission of DISCRIMINATION to us as "older residents" is twofold:-

- (a) The fact that we were told in written documents that after 10 yrs temporary residency we may be granted permanency (which does not now appear to be the case) AND
- (b) We are denied voting rights for local, state and federal elections although we are both rate and tax payers .

The SOLUTION, to both these problems, I would humbly suggest, would be to re-amend the legislation to allow applications for permanency to temporary residents after 10 yrs. as originally promised, and allow them, as a result, to apply for and become FULL AUSTRALIAN CITIZENS

Main Identity

From:
To: "Committee, LACA (REPS)" <LACA.Reps@aph.gov.au>
Sent: Thursday, 26 July 2007 11:10 AM
Subject: Re: House of Reps Public Forum "older people and the Law"

Thank you for your speedy reply to my E. Mail of the 25th inst..

Para 2 states discussion of issues at the request of persons who cannot attend personally are not allowed. This I understand.
 If I can re-arrange affairs and be present at the Forum would I be allowed to make a late submission.,
 in the circumstances that I was only aware of the forum taking place from a small advert in the the Sunday Times of the 22nd July,2007?. This submission would fall within the terms of reference for the Forum, namely Item 6. DISCRIMINATION.

The discrimination my wife and I would allege is that, falling into the category of "older persons", as Visa 410 holders we are denied Parliamentary representation at Federal, State and local levels by being denied the RIGHT TO VOTE at elections.in spite of being rate & tax payers.
Also, that the rules on applying for 'permanency' were changed after being granted our residency visas.

The further personal details you require are;- Return address

Telephone

No.

Yours sincerely,

J.D. DIGNAN (B.M.)

----- Original Message -----

From: "Committee, LACA (REPS)" <LACA.Reps@aph.gov.au>
To: "
Cc: "

26/07/2007

WRITTEN SUBMISSION

-----Original Message-----

From:

Sent: Thursday, 26 July 2007 8:28 AM

To: Committee, LACA (REPS)

Subject: House of Repts Public Forum "older people and the Law"

FOR THE ATTENTION OF THE CHAIRPERSON OF THE PUBLIC FORUM

~~As I am unable to be personally present in Perth to attend this Forum I would be obliged if the following circumstances could be an item on the agenda for discussion.:-~~

Now ATTENDING

1 My wife Josephine Patricia Dignan and myself Joseph Desmond Dignan came to live in Australia in March, 1996.

Our current ages are 77yrs (wife) and 79 yrs (self)

2 Intending that we would make "The lucky country" our new home we sold our house in England, transferred the money from this together with all our other "assets" to our bank here.

3 These assets included five pensions (three superannuation and two state ones) which are paid into our bank account in England and transferred as and when necessary. These pensions are what we live on although, as you will be aware, the two State Pensions have remained at the 1996 level, without cost of living increases.

4. As we were already retired at this time we were not allowed to "Emigrate" fully due to the "balance of family criteria"

which was applied (namely we had more "children" living in England than Australia) The definition of "children" was perplexing to us as our children were all married with families of their own.

So we were only allowed to stay in Australia with the granting of Visa 410's (Temporary Residents Visas) which we have renewed and are currently covered to stay until 2010.

5 All the forms connected with the granting of the original visas at that time stated that after 10 yrs we could be granted permanency.

6. Subsequently, legislation was passed through the lower house, for this to be allowed, but when it went before the House of Representatives for ratification, was blocked by the upper house (at that time Labour Party controlled.)

When this situation altered after the last election I wrote to the

26/07/2007

Office of the Prime Minister to enquire if this legislation would be re-introduced in the Upper house. We received a reply from a member of his department to the effect that there was no plan "at this time" to do so.

7 We are constantly reminded that all people living in Australia should seek to become CITIZENS

8 We have tried to do so but are excluded by the first question on the application form which asks "When did you first become a "PERMANENT RESIDENT"

9 As you will be aware, although we have lived here continuously for over 11 yrs, our status is a very insecure one.

10 Our character assessments could hardly be more secure. I worked as a Police Officer with the West Yorkshire Police for 30+ yrs and a further 12 yrs as a civilian Fingerprint Expert with the same force. My wife was a Probation Officer.

As temporary residents we are, of course, excluded from the Centrelink, Medicare and Pharmaceutical Benefits schemes.

For further information, whilst resident here, in 2003 I was awarded the 'BRAVERY MEDAL' by the Governor-General on behalf of H.M. the Queen, for saving a 59 yrs old lady (down on the ground being badly mauled by an American Pit Bull dog) - Award promulgated in Australia Gazette of Monday, 3 March, 2003. Investiture by his Excellency Lt. General John Sanderson, Governor of Western Australia on 28 March, 2003. Additionally, on Australia Day, the 26th January, 2006., I was awarded the premier's Australia Day Active Citizenship Award presented by the Shire of Harvey

My reason for submitting this information is in the hope that your LEGAL COMMITTEE might be the means of re-introducing the legislation of permancy, after 10yrs temporary residence, for further consideration by your House of Representatives.

Yours sincerely,

J. D. DIGNAN (B.M.)



ABRIDGED VERSION TO ALLOW SPEEDY PRESENTATION AT THE PERTH FORUM
(FURTHER DETAILS ON FOLOWING PAGES)



Dear Sir,

With reference to previous correspondence I confirm that I will attend the Perth Forum and make a submission on behalf of myself and my wife.

Personal Details Mr. J.D. Dignan (79yrs) and wife Mrs. Josephine Patricia Dignan
 (77yrs)
 Address
 E.mail as shown.

This submission ^{is} will be on the grounds of DISCRIMINATION against ourselves but also applies to a certain section of other "older residents" here, namely the holders of Visas 410, (Temporary Residents)

FACTS

We came to Australia (after retirement) to join our youngest son, his wife and our two grandchildren who are all Australian

Citizens. As we were over retirement age we couldn't emigrate fully due to a balance of family criteria being applied.

We were, however, granted the temporary residents visas and arrived in Australia in March, 1996. (11yrs 4 months ago)

At that time the application forms showed that AFTER TEN YEARS as temporary residents we might be granted "PERMANENT RESIDENCY"

Because of this we sold our house in England, and transferred the proceeds of this together with all our other assets to Australia

These included entitlements to Superannuation and State Pensions. on which we live. We cannot access Medicare, Centrelink or the Pharmaceutical Benefits Schemes. but have to carry Private Medical Insurance

The current government has repeatedly encouraged people living here to display their loyalty to this country by going the whole way and becoming AUSTRALIAN CITIZENS. We agree wholeheartedly with this. However, when we have tried to do so one of the first questions on the application form immediately excludes us as it reads "When did you first become an Australian PERMANENT

resident. and of course we aren't. Additionally, although we are both Rate and Taxpayers we are DENIED A VOTE in all elections.

We are aware that some time ago enabling legislation was introduced to the lower house to allow this to happen, but when sent to the Senate for ratification was defeated by the opposition majority. When the current government gained a majority in both houses I wrote to

27/07/2007

the office of the Prime Minister and enquired whether there was any plan to re-introduce the legislation and was told by a member of staff "not at this time."

Our position leaves us "between a rock and a hard place" and our insecurity causes us great anxiety.

Our submission of DISCRIMINATION to us as "older residents" is two -fold.

(a) The fact that we were told in written documents back in 1996 that we may be granted PERMANENCY after 10yrs

and that this does not now appear to be the case AND

(b) We are denied voting rights for local, state and federal elections although we are Rate and Taxpayers

The SOLUTIONS, I would humbly suggest, is to honour the promise on allowing permanency after 10 yrs to current Visa 410 holders AND with that permanency, enable the Temporary Residents to become full AUSTRALIAN CITIZENS

FURTHER INFORMATION The Visas 410 are no longer available to new applicants but existing holders may apply for renewals.