



Australian Government

Department of Family and Community Services

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Mr Owen Walsh
Committee Secretary
Legal and Constitutional Legislation Committee
The Senate
Parliament House
CANBERRA ACT 2600

Dear Mr Walsh

Thank you for your letter of 2 December 2005 to Dr Jeff Harmer, Secretary of the Department of Family and Community Services (FaCS), inviting the Department to make a submission to the Inquiry into the Australian Citizenship Bill 2005 and related measures.

The Australian Citizenship Bill 2005 and the Australian Citizenship (Transitionals and Consequentials) Bill 2005 are unlikely to affect a person's eligibility for social security payments and family assistance. Social security and family assistance entitlements are generally payable to people who reside in Australia and have permission to remain here permanently. An Australian resident is defined in s.7 of the *Social Security Act 1991* as a person who resides in Australia and is either an Australian citizen, the holder of a permanent visa or a protected Special Category Visa holder.

I note the changes that are proposed to the residential qualifying period for conferral of citizenship, being an increase from two to three years in the previous five. I note also that a ministerial discretion will exist in limited circumstances to regard up to two years spent outside Australia as a permanent resident, or within Australia as a temporary resident, to be treated as time spent in Australia as a permanent resident.

There are no equivalent provisions in social security or family assistance law, but the difference is justifiable given the nature and intent of the respective legislation. For social security purposes (but not family assistance), most migrants are subject to a two year Newly Arrived Resident's Waiting Period. However this requirement does not apply to Australian citizens and their partners or their dependent children.

Once again thank you for the opportunity to provide input into this inquiry.

Yours sincerely

(signed)

Wayne Jackson
Acting Secretary

13 January 2006