



# **Australian Citizenship Amendment (Defence Families) Act 2012**

**No. 119, 2012**

**An Act to amend the *Australian Citizenship Act 2007*, and for other purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)



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## **An Act to amend the *Australian Citizenship Act 2007*, and for other purposes**

[Assented to 12 September 2012]

The Parliament of Australia enacts:

### **1 Short title**

This Act may be cited as the *Australian Citizenship Amendment (Defence Families) Act 2012*.

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## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

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<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	12 September 2012
2. Schedule 1	A single day to be fixed by Proclamation. However, if the provision(s) do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	1 January 2013 ( <i>see</i> F2012L02249)

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Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

## 3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

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## Schedule 1—Amendments

### *Australian Citizenship Act 2007*

#### **1 Paragraphs 21(2)(c), (3)(c) and (4)(d)**

Omit “has completed relevant defence service”, substitute “satisfies the defence service requirement”.

#### **2 Section 23**

Repeal the section, substitute:

#### **23 Defence service requirement**

*Person who has completed relevant defence service*

- (1) For the purposes of section 21, a person satisfies the ***defence service requirement*** if the person has completed relevant defence service.

*Member of family unit of person who has completed relevant defence service etc.*

- (2) If:
- (a) a person (the ***defence person***) was granted, on or after 1 July 2007, a visa prescribed by the regulations; and
  - (b) the defence person has completed relevant defence service; and
  - (c) another person (the ***relative***) was a member of the family unit of the defence person when the defence person was granted the visa; and
  - (d) the relative holds a visa of that kind because the relative is a member of the family unit of the defence person;
- the relative satisfies the ***defence service requirement*** for the purposes of section 21.
- (3) If:
- (a) a person (the ***defence person***) was granted, on or after 1 July 2007, a visa prescribed by the regulations; and

- (b) the defence person dies while undertaking service in the Permanent Forces or the Reserves; and
  - (c) another person (the *relative*) was a member of the family unit of the defence person when the defence person was granted the visa; and
  - (d) immediately before the death of the defence person, the relative held a visa of that kind because the relative was a member of the family unit of the defence person;
- the relative satisfies the *defence service requirement* for the purposes of section 21.

*Definitions*

- (4) In this section:

*member of the family unit* of a person has the same meaning as in the *Migration Act 1958*.

*Permanent Forces* means the Permanent Navy, the Regular Army or the Permanent Air Force.

*relevant defence service*: a person has completed *relevant defence service* if:

- (a) the person has undertaken a total of at least 90 days service in one or more of the Permanent Forces (whether or not that service was continuous); or
- (b) the person has undertaken a total of at least 90 days service on which he or she was required for, and attended and was entitled to be paid for, duty in one or more of the Reserves (whether or not that service was continuous); or
- (c) the person:
  - (i) was discharged from service undertaken in one of the Permanent Forces or the Reserves as medically unfit for that service; and
  - (ii) became so unfit because of service undertaken in any of the Permanent Forces or the Reserves.

*Reserves* means the Naval Reserve, the Army Reserve or the Air Force Reserve.



**service:** a person undertakes **service** in the Permanent Forces or the Reserves only if the person is appointed, enlisted or transferred into any of the Permanent Forces or the Reserves.

Note: For appointment, enlistment or transfer into any of the Permanent Forces or the Reserves, see the *Naval Defence Act 1910*, the *Defence Act 1903* and the *Air Force Act 1923*.

### **3 Application**

The amendments made by this Schedule apply in relation to the making of a decision under section 24 of the *Australian Citizenship Act 2007* after the commencement of this item, whether the application to which the decision relates was made before or after that commencement.

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[*Minister's second reading speech made in—  
House of Representatives on 24 May 2012  
Senate on 20 June 2012*]