

2010-2011-2012

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

**Australian Citizenship Amendment
(Defence Families) Bill 2012**

No. , 2012

(Immigration and Citizenship)

**A Bill for an Act to amend the *Australian
Citizenship Act 2007*, and for other purposes**

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1 **A Bill for an Act to amend the *Australian***
2 ***Citizenship Act 2007*, and for other purposes**

3 The Parliament of Australia enacts:

4 **1 Short title**

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

7 **2 Commencement**

8 (1) Each provision of this Act specified in column 1 of the table
9 commences, or is taken to have commenced, in accordance with
10 column 2 of the table. Any other statement in column 2 has effect
11 according to its terms.
12

Commencement information

Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	
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 Note: This table relates only to the provisions of this Act as originally
2 enacted. It will not be amended to deal with any later amendments of
3 this Act.

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

7 **3 Schedule(s)**

8 Each Act that is specified in a Schedule to this Act is amended or
9 repealed as set out in the applicable items in the Schedule
10 concerned, and any other item in a Schedule to this Act has effect
11 according to its terms.
12

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

- 1 (c) another person (the *relative*) was a member of the family unit
2 of the defence person when the defence person was granted
3 the visa; and
4 (d) immediately before the death of the defence person, the
5 relative held a visa of that kind because the relative was a
6 member of the family unit of the defence person;
7 the relative satisfies the *defence service requirement* for the
8 purposes of section 21.

9 *Definitions*

- 10 (4) In this section:

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

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

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

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

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

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

