

# SUBMISSION

Presented by Christel Broederlow  
On behalf of Permanent Resident NZ Citizens in Australia

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## STRENGTHENING ECONOMIC RELATIONS BETWEEN AUSTRALIA AND NEW ZEALAND

Joint Study by the Productivity Commissions of Australia and New Zealand



**18<sup>th</sup>  
October  
2012**

**Q4.6 THE COMMISSIONS SEEK INFORMATION ABOUT THE NUMBERS OF NEW ZEALANDERS WHO HAVE BEEN AFFECTED BY LACK OF ACCESS TO CERTAIN WELFARE PAYMENTS IN AUSTRALIA AND THE NUMBERS WHO HAVE RETURNED TO NEW ZEALAND AS A CONSEQUENCE. .... 3**

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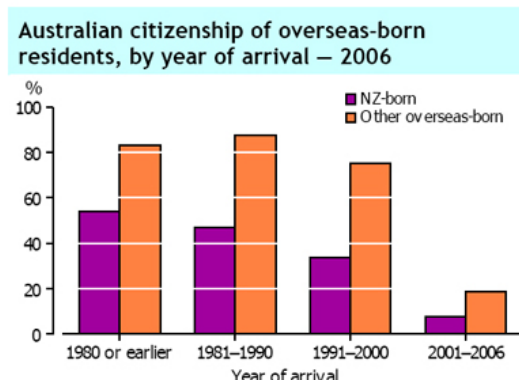
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**Q4.6 THE COMMISSIONS SEEK INFORMATION ABOUT THE NUMBERS OF NEW ZEALANDERS WHO HAVE BEEN AFFECTED BY LACK OF ACCESS TO CERTAIN WELFARE PAYMENTS IN AUSTRALIA AND THE NUMBERS WHO HAVE RETURNED TO NEW ZEALAND AS A CONSEQUENCE.**

The number of NZ-born people living in Australia increased by 89% over the last two decades, from 280,200 in 1989 to 529, 200 in 2009 with the majority living here for a decade or more. (ABS, 2010, 10) This figure is now estimated to be around 600,000.

This makes New Zealand the second largest single country contributor to Australia's overseas-born population (the United Kingdom is the largest contributor at 5.4% of ERP). (ABS, 2010, 10)

The Australian Social Trends 2010 makes an assumption that the low rate of citizenship are contributory to a possibility of returning to NZ, or lack of incentives with direct reference to Protected SCV holders and yet determines the evident decline of citizenship from over half (54%) of those who had arrived in 1980 or before had obtained Australian citizenship by 2006, while only 7.7% of those who arrived in 2001 or later had become Australian citizens. (ABS, 2010, 14)



Source: ABS 2006 Census of Population and Housing

TABLE 1: ABS 2006 CENSUS OF POPULATION AND HOUSING.

In 2009–10, information from the Labour Force Survey showed that NZ-born males aged 15–64 years had a higher rate of labour force participation (90%) compared with the overall Australian male population (83%). They were also more likely to be employed full time (76% compared with 66%). (ABS, 2010, 13)

NZ-born females aged 15–64 years also had a higher rate of labour force participation compared with the overall Australian female population (75% and 70% respectively), and a higher rate of full-time employment (44% compared with 36%). (ABS, 2010, 13)

Construction and Manufacturing were the most common industries of employment among working 15–64 year old NZ-born males (21% and 13% respectively). Of those in Construction, just under half were Technicians or trade workers (46%), and a further 28% were Labourers. Being a Technician or trade worker was also the most common occupation of those in Manufacturing (29%), while being a Machinery operator or driver (20%), Manager (19%), or Labourer (18%) were equally popular jobs. (ABS, 2010, 13)

Health care and social assistance was a common industry of employment among NZ-born female workers aged 15–64 years (16%). Many of these sectors are filled by NZ Citizens, however positions that do not meet the 'Skilled Migrants List', for a permanent residency visa and/or for Australian Citizenship.

Systems and policies – There were no systems identified that address the inequalities experienced by Pacific Islander communities. In terms of policy, Pacific Islander people are recognised as a whole-of-government priority group. However, there is little coordinated effort across departments on actions to address this priority group. (QLD Health, Dec 2011, 23)

Access to services – Major barriers experienced in the health system by Pacific Islander people were identified in all 19 focus groups. Some were related to the socioeconomic characteristics of the communities, while many others were related to the health system. (QLD Health, Dec 2011, 23)

Similarly, the Samoan and Māori populations had a higher proportion represented in the labouring and production workers occupational groups and fewer represented in the managers and professional groups. The Samoan and Māori populations were also less likely to have a post-school qualification. For example,

while 18 per cent of the total Queensland population had a bachelor or post-graduate level of education, only three per cent of the Māori population had the same level of education. (QLD Health, Dec 2011, 25)

However, the economic and educational situation of the Samoan and Māori communities is exacerbated by the ineligibility of those people who entered Australia after 2001 from New Zealand, to access the Higher Education Loan Program and other forms of income support. (QLD Health, Dec 2011, 25-26)

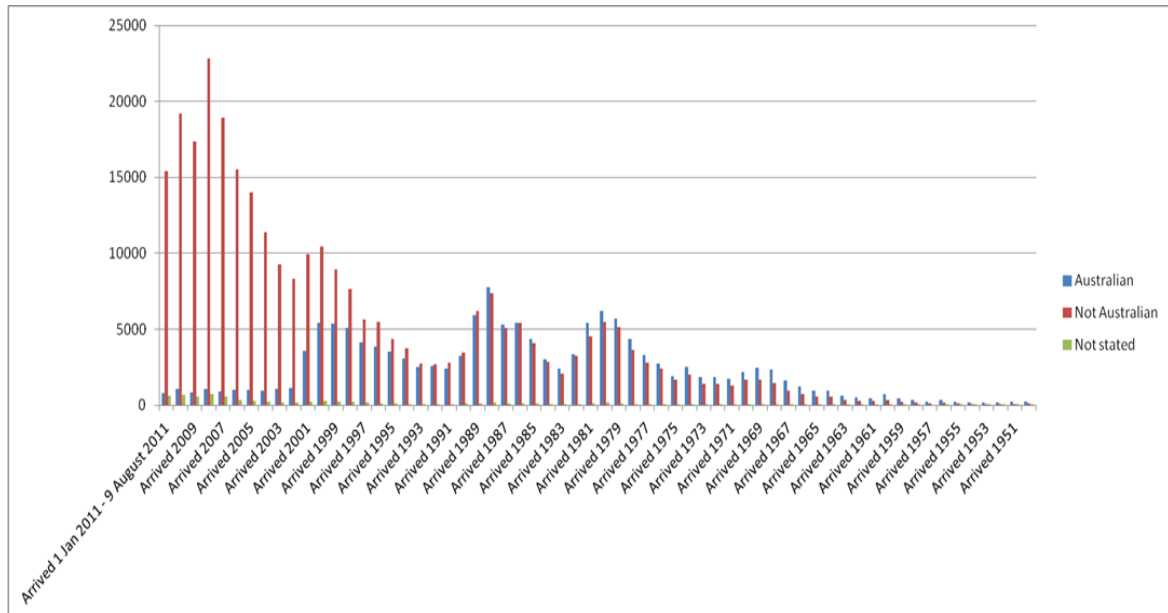


TABLE 2 POPULATION OF NZ-BORN RESIDENTS BY YEAR OF ARRIVAL AND AUSTRALIAN CITIZENSHIP STATUS :

NZ-Born who arrived 2001 or later who are not Australian citizens is 162 thousand or 36% of all NZ-born in Australia and 90% of NZ-born who arrived in the past 10 years. If you take out the people who have Australian citizenship by descent then this number gets even larger. I believe less than 10,000 permanent visas have ever been issued to NZ citizens all up, let alone NZ-born. (P.Hamer, 2012)

Poverty is the most important determinant of inequalities in health. Income depends on access to employment, which in turn is often influenced by educational level. Also included in this category are housing qualities, access to health care and working conditions. (WHO, 2005)

In support of this submission and as a prime illustration of the issues being confronted by organizations Australia wide the following is a brief from a report conducted in January 2011 by the Wesley Mission: STARH Project (Supporting Those At Risk of Homelessness).

*Prior to the economic crisis STARH was regularly contacted by families in the Gold Coast Region in Private Rental Properties struggling to meet housing costs. The presenting issues being:*

- *Reduced employment / no employment*
- *Financial hardship*
- *Notices to remedy – notices to leave*
- *Overcrowding – many families accommodating other families and/or members from other families*
- *Family breakdown – domestic violence*
- *Undiagnosed mental health issues – ‘depression’*

Collaboration

*Services throughout the gold coast region have pooled together to provide financial resources to NZ residents as it is the only option to attempt to prevent homelessness. Our program has worked with ER services both through referrals to our program and referrals to their services. (St Vincent de Paul ; Salvation Army; Pregnancy & Family Support; Gold Coast Youth Services; Blair Athol etc. – also many churches that are having contact with these families and food services).*

*STARH and HOST, being on either end of the homelessness continuum have had many discussions regarding the limited resources both in workers and brokerage to be able to assist these families appropriately – the ‘reality’ that unless their income increases either through employment or some form of further systems action the outcome will be homelessness and is for many already.*

#### Outcomes

- *Some returning to New Zealand*
- *Moving interstate to access alternate employment*
- *Families split due to members moving for employment*
- *Many families experiencing level of homelessness ‘overcrowding’ as having to share with family and friends*
- *TICA is an enormous issue – with people leaving properties with extensive debt. Creating inability to access Private Rental Market in the future.*

#### Life in New Zealand

*In discussions with families from NZ regarding long term options some of the issues against returning home are:*

- *Violence – ‘community’*
- *Unemployment*
- *Extended family in Australia*

#### **EMPLOYMENT:**

- Non Protected SCV holders with no clear pathway to Australian Citizenship cannot apply to:
  - o Join the Australian Defence Force. Directly impacting children (NZ) who have grown up in Australia and who have dreamed of joining the force and being told to go home to NZ and join the force there and reapply later.
  - o Work in certain Government departments.
- For long-term permanent residents and where redundancies, retrenchment or loss of employment occurs no access to Centrelink, ‘Looking for work’ payments for Non Protected SCV holders which includes Newstart Allowance, Parenting Payment and Youth Allowance unless:
  - o From 26 February 2011, non-protected SCV holders who have lived in Australia for at least ten continuous years since 26 February 2001 may be eligible to receive Newstart Allowance, Youth Allowance or Sickness Allowance for up to 6 months. (Centrelink, 2012)
  - o You may only claim one of these payments for a continuous period of up to 6 months. You cannot change between payments, or stop and start the payment. (Centrelink, 2012)
- A non protected SCV primary income earner, regardless of length of residency in Australia becomes ill is not entitled to any financial assistance. Some of the health situations are so dire that it leaves the other partner with no option but to quit work to provide care-giving to their loved one, who also has no access to a Carers payment and in the process struggle even further to survive.
- Incongruent Occupational Qualifications & Licences between Australian & New Zealand. Skilled workers from New Zealand who hold qualifications (builders, electricians, plumbers etc) and/or licences (forklift, truck, heavy machinery operators etc) are having to acquire recognition to secure employment opportunities in Australia and/or are having to acquire further education upon arrival to support their already attained skills and knowledge.
- With skill shortages in these fields across Australia, many agencies here continually invite New Zealand Citizens into employment, only to find upon arrival many loopholes do not support their NZ skill base.

- **Recommendations:**

- Accessible pathways to Australian Citizenship that would enable job opportunities in the Defence Force and Government Departments.
- Congruency in Occupational Qualifications and Licences that would enable smooth transitions into the Australian workforce and reduce skill shortages of trades urgently needed.
- After a reasonable period (stand down), and upon a minimum period of employment (i.e 2-5 years) that stipulates taxes being paid, and in the unfortunate circumstance of job loss, emergency payment(s) be made that is supported with full job assistance by Centrelink and Job Agencies to encourage a return to the workforce.
- In the event of injury, illness or disease that occurs while a permanent resident of Australia, and the person requires assistance, an employed family member and/or partner who is required to give full or part-time care is granted a Carers payment.
- After a reasonable period (stand down) and proven work history, enable full job access through Centrelink and Job Agencies to provide job opportunities in securing employment, and/or encouraging upskilling and/or career advancements, which inevitably reduces any potential impact of social security payments and social services.

**EDUCATION:**

- Non Protected SCV holders are not entitled to:
  - Austudy (Centrelink, 2012), a means-tested payment made to full-time students and Australian Apprentices who are aged 25 years and older.
- New Zealand citizens are not eligible for any HELP loans, regardless of residency status (Protected or Non Protected SCV holders).
  - NZ born children of NZ Citizens (SCV) raised in Australia, are clearly disadvantaged and discriminated against in obtaining higher education as they are not entitled to HELP loans and are being forced into employment positions that limit academic opportunities that would ultimately benefit the Australian economy, and/or are increased numbers in unemployment statistics.
  - Numerous high schools across Australia with high concentrations of students who are NZ Citizens (SCV) report concerns for students who are upon leaving school falling into the gap of low socio economics due to lack of higher education opportunities and financial support.

In 2009, tertiary qualification attainment by NZ Citizens in Australia was 44% for women and 36% for men. (ABS, 2012, 18) In 2009, of those who attained upper secondary education, 60% were adults 55-64 year-olds, and 80% were between the ages of 25-34.



TABLE 3 ORGANISATION FOR ECONOMIC COOPERATION AND DEVELOPMENT, 2011. (OECD, 2011)

### Population with tertiary education (2009)

Percentage of the population that has attained tertiary education, by age group.

Column 16 refers to absolute numbers (in thousands).

	Tertiary-type B education					Tertiary-type A & advanced research programs					Total tertiary						
	25-64	25-34	35-44	45-54	55-64	25-64	25-34	35-44	45-54	55-64	25-64	25-34	35-44	45-54	55-64	25-64	in thousands
<b>NZ</b>	17	16	16	18	18	23	31	26	20	16	40	47	41	38	34	851	

TABLE 4: POPULATION WITH TERTIARY EDUCATION (2009) (OECD INDICATORS, 2011)

	Percentage educational level	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2009/1999 Average annual growth
		<b>NZ</b>	Below upper secondary	40	39	38	37	36	34	33	33	32	31	29	28
<b>NZ</b>	Upper secondary and post-secondary non-tertiary	33	34	33	34	36	35	35	32	29	31	30	32	32	-0.4
<b>NZ</b>	Tertiary education	27	28	28	29	29	30	32	35	39	38	41	40	40	3.5

TABLE 5: TRENDS IN EDUCATIONAL ATTAINMENT: 25-64 YEAR-OLDS (1997-2009) (OECD INDICATORS, 2011)

In 21 of 28 countries with available data, first-time upper secondary graduation rates exceed 75% with New Zealand graduation rates equal or exceeding 90%. (OECD, 2011, 45)

#### Australian graduate employment prospects

On average, 76.6 per cent of 2010 bachelor degree graduates found full-time work within four months. Among the highest-ranking fields were mining engineering with 98.2 per cent, medicine at 98.0 per cent, pharmacy at 97.3 per cent and surveying at 92.9 per cent. The average graduate starting salary in 2011 was \$50,000 — a slight increase from \$49,000 in 2010. Graduates who completed a combined or double degree were better off than those who completed a single degree, with employment figures sitting at almost 82 per cent — six per cent higher than graduates of single degrees (75.9 per cent).

On average, around a fifth of graduates go onto further full-time study each year. This is more common in some fields than others, with more than 30 per cent of humanities graduates moving onto further study in 2011, compared to just 9.2 per cent of mechanical engineering graduates. One reason for this is that graduates of more generalist degrees often choose to specialise in a particular field through further study. (Good Uni Guide, 2011)

#### New Zealand Education Profile and Trends

Tertiary education students continued to take on higher study loads in 2010, a trend which began in 2008. This shows potential for higher qualification completion rates in the future in line with the government's priority for tertiary education of having more young people achieve level 4 and higher qualifications. The participation rate of young Māori and Pasifika in level 4 and higher qualifications continued to increase from 2009 to 2010, suggesting that their engagement in tertiary education at higher qualification levels continues to strengthen. (NZ Ministry of Education, 2010, 8)

Domestic students in bachelor's degrees had the largest increase in their number from 2009 to 2010 due, in part, to the population bulge of 18 to 19 year-olds continuing their move from school into tertiary education.

The number of domestic students in higher-level qualifications (levels 5 to 10) was more than 3 percent higher in 2010 than in 2009, while enrolments in level 1 to 4 certificates fell substantially. This led to the continuation of the shift from lower- to higher-level qualifications which started in 2005. (NZ Ministry of Education, 2010, 9)

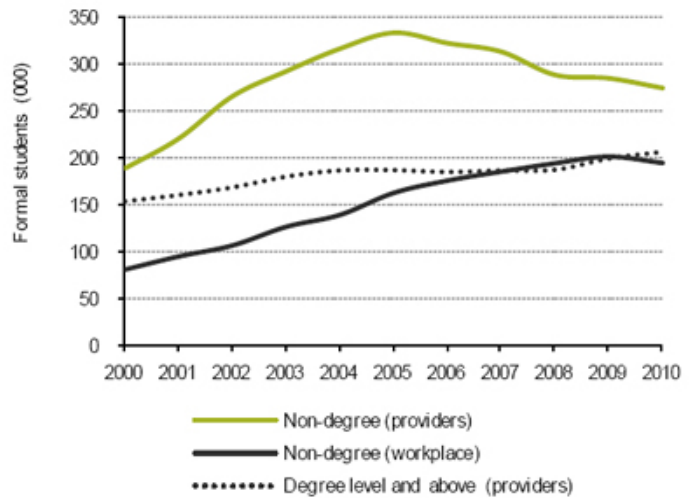


TABLE 6 TRENDS IN FORMAL STUDENTS BY LEVEL OF STUDY AND SETTING. NZ MINISTRY OF EDUCATION (2010)

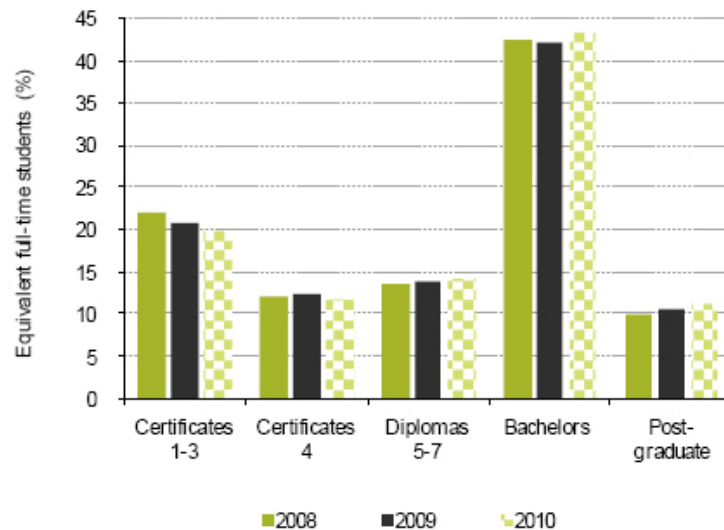


TABLE 7 DISTRIBUTION OF EQUIVALENT FULL-TIME STUDENTS BY LEVEL OF STUDY. NZ MINISTRY OF EDUCATION (2010)

People's earnings reflect the quality of the skills they bring to their workplace. High-level skills help businesses to be more productive.

In 2010, the earnings of people with a bachelors or higher qualification were 63 percent higher than for people with no qualification. People with tertiary qualifications are also more likely to be employed than people without a qualification. The proportion of the population aged 15 years and over with a bachelors degree or higher qualification has increased from 10 percent in 2000 to 17 percent in 2010. (NZ Ministry of Education, 2010)

While the proportion of Pasifika peoples without a qualification increased, those with a bachelors or higher qualification increased from 3.7 percent in 2000 to 5.2 percent in 2010. The proportion of Māori with a bachelors or higher qualification more than doubled from 2000 to 2010 to 8.1 percent. (NZ Ministry of Education, 2010)



In 2010, 29 percent of people aged 25 to 34 years held a bachelors or higher qualification, compared to 18 percent for people aged 45 to 64 years. An encouraging trend has seen continued increases in enrolments of Māori and Pasifika in doctorates. (NZ Ministry of Education, 2010)

While the majority of domestic enrolments in level 4 to 7 non-degree study are by students of the European ethnic group, Māori have the highest participation rate at this level of study. Level 7 is made up of bachelors degrees, graduate certificates and diplomas, and certificates of proficiency. All ethnic groups showed increases in enrolments in 2010. (NZ Ministry of Education, 2010)

**TABLE 8: DOMESTIC STUDENTS ENROLLED IN LEVEL 4 TO 7 NON-DEGREE STUDY IN 2010. NZ MINISTRY OF EDUCATION (2010)**

Europeans	84,900	(up 0.3% on 2009)
Māori	32,300	(up 3.5% on 2009)
Pasifika	12,200	(up 0.9% on 2009)
Asians	12,500	(up 3.3% on 2009)
Other	5,580	(up 2.2% on 2009)

The nine fields of study listed below comprise 45 percent of all study. Of this group, only the number of students in accountancy declined from 2009 to 2010, while the number in nursing had the highest increase. While more than 60 percent of domestic students in bachelors and higher qualifications were in the European ethnic group in 2010, the highest rates of participation at this level were for Asian students.

The number of students increased for all ethnic groups from 2009 to 2010, but the number of Māori and Pasifika students increased by a greater percentage than the average. (NZ Ministry of Education, 2010, 11)

**TABLE 9: DOMESTIC EQUIVALENT FULL-TIME STUDENT UNITS IN BACHELORS AND HIGHER QUALIFICATIONS BY SELECTED FIELDS OF STUDY IN 2010. NZ MINISTRY OF EDUCATION (2010)**

Teacher education	9,640	(up 0.5% on 2009)
Business and management	9,500	(up 0.6% on 2009)
Studies in human society	7,670	(up 6.7% on 2009)
Nursing	6,980	(up 9.8% on 2009)
Biological sciences	6,530	(up 6.3% on 2009)
Law	6,460	(up 2.3% on 2009)
Language and literature	5,670	(up 3.6% on 2009)
Behavioural science	4,950	(up 4.3% on 2009)
Accountancy	4,300	(down 3.7% on 2009)

From the above information gathered it is evident that a high participation rate in domestic (by New Zealand Citizens) tertiary studies is not only obtained in New Zealand but is on the increase. With the increase of New Zealand Citizens migrating to Australia and if student loans and student allowances were made readily available the potential for this trend in obtaining higher education could occur here given the opportunity. As it currently stands permanent resident New Zealand Citizens are not eligible for either, where as Australian Citizens living in New Zealand are treated as domestic students and pay domestic fees. Australian Citizens are not required to first obtain a permanent resident visa or NZ Citizenship to study in New Zealand.

Higher education is a statistically proven catalyst in reducing many issues faced by societies throughout the world, to which New Zealand Citizens permanently resident in Australia are experiencing, most alarmingly with detrimental outcomes for school leavers, many of whom have carried out the majority of their schooling in Australia, having arrived since early childhood.

Noticeable increases in High School dropout rates are being reported as youth who are permanent resident New Zealand Citizens don't have the opportunities towards higher education as their Australian peers as they do not qualify for student loans, nor can they and their families afford to pay upfront Tafe and/or University fees, diminishing their hopes and future aspirations.

Their parents will never fit the criteria required to meet the migrant's skilled list to apply for the Permanent Resident Visa and then go on to apply for Australian Citizenship, as they too do not qualify for student loans to obtain higher education, to which 70% of New Zealand Citizens residing permanently in Australia come under.

An increase in unemployment due to the inability to obtain jobs through lack of higher education and skill and not being eligible for any form of social security payments, student allowances or emergency funding are forcing youth into desperate situations of prostitution, committing crimes and juvenile justice, with mental, health and social issues on the rise, as is family breakdowns and homelessness and most disturbingly high suicide rates.

All of which are placing increased demands on social services who have limited to no funding for New Zealand permanent residents Australia wide. Yet none the less are creating unnecessary and extensive costs with significant impacts on the youth and their families, social services, society and our communities and local, state and federal funding.

Higher education is a solution that provides the passageway to better employment and career opportunities, with increased incomes that lead to quality of life and higher living standards and at present is a crucial path to Australian Citizenship, and ultimately economic growth and sustainability for Australia on the whole.

A student loan and student allowance being made available to permanent resident New Zealand Citizens is the essential key to the solution.

*New Zealand identified the following community factors as being most relevant to explaining increases in suicide: lack of a sense of purpose in life; lack of recognised role models and mentors outside the context of sport; disintegration of the family; lack of meaningful support networks within the community; high community rates of sexual assault and drug and alcohol misuse; animosity and jealousy manifest in factionalism; the persistent cycle of grief due to the high number of deaths within communities; and poor literacy levels leading to social and economic exclusion and alienation. (Aboriginal Child health Research, 2012)*

- **Recommendations:**

- o To make HECS-HELP, student loans for Tafe and Universities with student allowances available after a stand-down period for new arrivals (i.e. 2 years) to all permanent resident New Zealand Citizens with no age barriers (Youth to Adult) to facilitate higher education and improved career opportunities that are congruent with pathways to Citizenship.
- o The benefits to Australia's economic wealth through higher education and increased incomes will be far outweighed by the issues impacting the Australian society as a direct result of lower socio-economic groups, whereby New Zealand Citizens are increasingly coming under.
- o Student Loans are fully repayable with interest accruable. Supported by an existing agreement between New Zealand and Australian Governments that allow each other's countries to pursue outstanding debts whereby residents return to their country of birth. Although this would generate recovery costs, the likelihood of New Zealand Citizens returning to New Zealand is diminished as 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> generations are well and truly settled in Australia with no intention of returning to New Zealand as permanent residents. This further supports the benefits of student loans being repaid in full and also encourages continual studies to support career opportunities and economic growth in Australia.

Social Services & Disabilities:

- 2007: Funding for disability support services removed from non-protected New Zealanders in Queensland.
- The recently introduced National Disability Insurance Scheme refuses assistance to the disabled children of New Zealanders who arrived after the 26th of February 2001 – even if their children are born here.

- Children born in Australia to unprotected New Zealand Citizens are not entitled to equal rights to disability services if they are born with a congenital defect, have autism, etc depending on which State they are living in.
- If a disability occurs in Australia that is not work related, no Centrelink Disability Support Pension is payable for Non Protected SCV holders.
- NZ Citizen's (Non Protected SCV holders) having children to an Australian Citizen and the relationship breaks down and the Australian parent leaves the family unit indefinitely and all responsibilities including financial are left to the NZ parent who is not entitled to any Centrelink payments other than Family Payments which barely covers the roof over their heads. The NZ parent is not permitted to leave Australia by law without granted permission from the Australian parent (who refuses to help in any way), and return home to NZ to raise their children with the loving support of family and friends. Now solo parents who are left destitute and completely abandoned by their partners and the political system that fails to address this serious issue.
- As the above situation, however involving domestic violence and no financial support is readily available. Both situations are on the increase Australia wide.

#### Public Housing:

- 2007: Access to public housing in the states of WA, Victoria and Queensland removed from non-protected New Zealanders.

#### Other Areas:

- 2009: Certain ACE Insurance policies exclude 'non-protected' SCV holders from eligibility for cover. Complaint of race discrimination accepted by NSW Anti-Discrimination Board and referred to the Equal Opportunity Division of the Administrative Decisions Tribunal. ACE Insurance denies race discrimination but announced it was changing its policy wordings to include all resident NZ Citizens. Tribunal decision is currently pending.
- Social Services across many areas are affecting Permanent Residents.
- Homelessness of NZ Citizens increasing and unable to return to NZ due to lack of funds.

These concerns barely touch the surface of what is happening, and have and are being raised by NZ Citizens and from numerous reputable community organisations and networks, issues that have and are continually been raised with local MP's and Ministers across every relevant portfolio, as well as with the New Zealand and Australian Government.

In stark contrast Australian Citizens living as permanent residents in NZ

- After 3 years can apply for NZ Citizenship upon eligibility.
- After 1 year's residency and over the age of 18 years are eligible to register and vote in NZ elections. (NZ Government, Work and Income)
- After 2 years are eligible for tertiary student allowances and can apply for student loans to study, and may also be eligible for a Community Wage.
- Can apply for all WINZ (Work and Income NZ) payments including:
  - o Disability Assistance and/or Disability Allowance
  - o Domestic Purposes Benefit
  - o Accommodation Supplement
  - o Childcare and/or Oscar Subsidy and may be eligible for other assistance

- Health Related Benefits
  - Sickness Benefit
  - Temporary Additional Support
  - Unemployment Benefit (NZ Government, Work and Income)
- Entitled to immediate disaster relief recovery payments.

The disparities between New Zealand and Australia continue to grow as new legislation changes.

DR4.17 TO ENSURE THAT IN FUTURE NON-PROTECTED SPECIAL CATEGORY VISA HOLDERS ARE AWARE OF THE CURRENT LIMITATIONS ON ELIGIBILITY FOR CERTAIN AUSTRALIAN SOCIAL SECURITY PAYMENTS, THE AUSTRALIAN GOVERNMENT, IN CONSULTATION WITH NEW ZEALAND, SHOULD TAKE STEPS TO MAKE INFORMATION MORE READILY AVAILABLE TO NEW ZEALAND CITIZENS BEFORE THEY ARRIVE IN AUSTRALIA.

Since the Feb 2001 changes to the Social Security Act, many issues have arisen over the last 11 years that are having dire impacts on permanent resident New Zealand Citizens Australia wide. No one single form of documentation and/or website portal highlights all of the areas of concern that can potentially enable awareness and act towards preventative measures.

Instead information is scarce and scattered across numerous websites, organizations, individuals and groups that more often than not have no direct relation to Government Departments, but rather sourced through indirect means, in the event misunderstandings and confusion are consistently being expressed by the majority of New Zealand Citizens who continually ask questions for clarity and confirmation.

Where advice is further sort by relevant Government Departments, lack of consistency in information is delivered by staff who are not made aware of changes as they occur, who provide information that is outdated and or incorrect, and/or who are making biased and unprofessional comments, 'you Kiwis need to go home', both of which is inappropriate and discriminatory and should be enforced as unacceptable.

It is imperative in circumventing future misinterpretation that is unambiguous in all relevant policies and the publication of all documentation through brochures, booklets, and websites, and in any form of public presentation and departmental agencies otherwise to be made readily accessible. Furthermore emphasizing that the provision of adequate and ongoing training to all agencies with up to date and clear dissemination of information without personal bias, be made to the public so as to ensure that all relevant policies, amendments and reviews are relayed to all agencies and filtered through all departments be given precedence.

As an initial point of research, planning and preparedness for immigration to Australia, many New Zealand Citizens primarily visit the websites of the Australian Government Department of Immigration and Citizenship and/or similarly the New Zealand Embassy (NZ High Commission), seeking information on entry requirements into Australia which is extremely limited in content and/or is outdated.

- **Recommendations:**

Ideally one form of information presented on a website that is also available in a concise booklet (that can be downloaded and/or made available through print media) that covers all areas should be readily obtained from the following:

- Department of Immigration (NZ & Australian)
- Department of Human Services (Centrelink, health, social and welfare payments and services)
- Australian Government Study Assist
- Other relevant Australian Government Departments (housing, education, employment etc)

- New Zealand Embassy, NZ High Commission Canberra, Australia
- New Zealand Department of Internal Affairs
- New Zealand Work and Income (WINZ)
- New Zealand Travel Agencies

The New Zealand Government without exception has a strong responsibility to undertake steps in educating New Zealand Citizens who are proposing to migrate to Australia of what they are and are not entitled too, so that no assumptions are made at any phase of migration planning. As it is in Australia and at present there is no New Zealand based office, department or organization that provides thorough information.

In early 2012, Vicky Va'a, manager of the Nerang Neighbourhood Centre on the Gold Coast and I, discussed the potential in establishing, managing and maintaining an organization similar to the NZ Citizens Advice Bureau. An office located on the Gold Coast of Queensland (Queensland overtook New South Wales in 2006 as the most popular state of usual residence with 1 in 10 residents on the Gold Coast being of NZ birth, ABS, 2006). The organization would have Australian and New Zealand wide access to the public through a website portal and toll free phone numbers.

With increased demands by NZ Citizens (primarily in Australia and without exception coming directly from NZ) being made to ourselves (through our work in regards) and local services and networks, such an organization would require key experienced personnel fulltime and a large number of rostered volunteers to help operate.

Prior to moving to Australia, Vicky successfully managed a branch of the NZ Citizens Advice Bureau for many years in Lower Hutt, NZ and myself having managed my website portal Maori-in-oz.com for 8 years and continuously dealing with large and increasing numbers of inquiries through daily calls and emails in regards to the contents of this submission. Both having acquired extensive knowledge and understanding of the issues and information, supported with diploma's in business management, marketing and human resource management, community and organization management and both passionate and heavily involved in community work felt our experiences combined gave support to the idea.

Further research was immediately conducted into the potential viability, with a clear need and demand of nearly 600,000 permanent resident New Zealand Citizens in Australia and approximately 50,000 annual New Zealand immigrants who could access the services of the proposed organization. Critical and informative needs potentially being met by a substantial number of people only to be swiftly diminished due to no funding being available to support our proposal from either Australia or New Zealand (as NZ does not fund such outside of the country).

Establishing and maintaining a "New Zealand Citizens in Australia Advice Bureau" (or similar) which is located in Australia that is jointly funded by the New Zealand and Australian Governments would enable the dissemination of factual and up to date information.

With the dissemination of information related to permanent resident New Zealand Citizens in Australia and proposed immigrants from New Zealand being provided to the organization in a timely manner and directly from Australian and New Zealand Government departments with precise relevance to legislation (current and changing) this could immediately be updated in our systems and communicated without delay, ensuring accuracy and efficiency of the bureau's intent.

Clients could be provided with more detailed information of relevant government agency's and/or service provider's, names, contact details including website addresses and/or pamphlets, brochures or booklets (also supplied directly from each agency) for drop in enquiries and/or website links where available.

Ideally the bureau would have an Australia Toll free 1800 phone number and a direct phone number that residents/citizens of New Zealand living or planning on migrating to Australia can call to gather factual information and essentially gain clear direction and/or understanding or make wise informative decisions

in regards to proposed migration and settlement planning. Decisions that can potentially act as preventative measures in reducing issues arising from lack of knowing by being able to source information from a 'one stop shop'. At this time, no organization of any kind that provides such a broad and in demand information source exists.

**DR 4.18 GIVEN ITS SIGNIFICANCE TO NEW ZEALAND CITIZENS LIVING LONG TERM IN AUSTRALIA AND THE LONG-TERM OPERATION OF THE TRANS-TASMAN LABOUR MARKET, THE AUSTRALIAN GOVERNMENT SHOULD FINALISE ITS CONSIDERATION OF ALTERNATIVE POTENTIAL PATHWAYS TO AUSTRALIAN PERMANENT RESIDENCE AND CITIZENSHIP.**

In 2001, an amendment to the definition of 'Australian resident' in the Social Security Act 1991(Cth) was made as a result of the Family and Community Services Legislative Amendment (New Zealand Citizens) Act 2001. Parallel changes to citizenship law deny access to Australian citizenship regardless of length of residence. Citizenship by birth is similarly denied to the children of New Zealanders.

These amendments rely exclusively upon the technicality that the Special Category Visa (SCV) automatically granted to New Zealand nationals is classed under the definition of 'temporary visa' in s. 30(2) of the Migration Act despite the fact that it grants the right of indefinite residence. The SCV is unique in this respect. The reason for this unique classification is that the SCV contains one condition – it can only be held by a New Zealand citizen. Therefore, a distinction based on such a classification is one that ultimately revolves upon New Zealand nationality.

The 2001 amendments make precisely such a distinction, and thereby require an SCV holder to exchange a visa that already grants the right of indefinite residence for another visa that grants precisely the same right. New Zealand nationals already hold the right to remain by virtue of the Trans-Tasman Travel Arrangement. Of even deeper concern is that members of the Australian Parliament passed the Act in the belief that it merely implemented a new social security treaty with New Zealand. Of course, there is no such treaty between the two countries that strips rights only from New Zealanders but leaves the rights of Australians intact.

As confirmed by the internal government document reproduced in Appendices 1, the Australian Government has been well-aware of the deleterious effects of the 2001 amendments for a number of years – particularly with regards to women and children who are the victims of domestic violence. This combined with the initial denial of disaster relief during the Queensland floods which I brought to the immediate attention of and resulted in the involvement of the New Zealand Government and an ex-gratia payment being released to New Zealand Citizens from the Australian Government directly affected by the natural disasters.

The so-called "relaxed residency requirements for New Zealanders" announced by Ms. Gillard does not address the root cause of the discrimination at all, but merely allows a limited number of New Zealanders who have permanently resided in Australia for many years to comply with the discrimination by introducing a new class of formal permanent visa that they can apply for if they can afford the fee and meet the additional criteria. Even after residing and paying taxes for many years, a successful applicant must still wait an additional two years to be eligible for assistance.

As policies currently stand, it is expected that New Zealanders permanently residing in Australia who are the victims of sickness, accident, domestic violence or natural disaster to first quietly wait for 8-10 years to pay thousands for this new visa and then wait an additional 2 years in order to become eligible for assistance.

- The Special Category Visa is technically classed under the special meaning of 'Temporary Visa' in the Migration Act – not because it has a time limitation associated with it, but because it is only valid

whilst the holder is a New Zealand citizen. Apart from that there is no other condition attached to this visa. It is, in effect, a permanent visa only for NZ Citizens.

- 26th of February 2001: The Howard Government unilaterally introduces 'protected' status for NZ Citizens (this is not a visa condition - see section 7(2) of the Social Security Act 1991) under the new social security treaty with New Zealand that had not even been signed yet and, in any case, did not come into force until the following year. The Australian Parliament passed retrospective legislation removing social security rights from NZ Citizens based on the bilateral agreement.
- On the 16th of February 2001 and in parallel to the unilateral amendments to the Social Security Act concerning 'protected' status, the Minister for Immigration (Phillip Ruddock) used his powers under the Citizenship Act to declare (via legislative instrument) that non-protected NZ Citizens are no longer considered permanent residents for the purpose of eligibility for citizenship. That is, we never become eligible for citizenship no matter how long we live in Australia, and our children do not acquire citizenship by birth.

It is with expressed importance in aligning with the Trans Tasman Travel Agreement between Australia and New Zealand that New Zealand Citizens living in Australia are treated fairly and equitably as Australian Citizens living in NZ continues to be and in providing a reasonably achievable pathway to Australian Citizenship. Under the current agreement New Zealand Citizens are marginally disadvantaged and are expressing concerns of discrimination regarding areas in employment, education, training, student loans, social security, social services, and access to Australian Citizenship.

The Department of Immigration & Citizenship (DIAC) website similarly is ambiguous in providing precisely understood information to New Zealand Citizens of what they are and are not entitled too in regards to Permanent Residency and Australian Citizenship. New Zealand Citizens who come under the following categories:

- Proposing migration to Australia
- Recent arrivals
- Existing residents

New Zealand Citizens migrate to Australia with the understanding that we can live and work here for as long as we shall choose, raise our children, buy homes, invest in property and businesses, be active participants in the community and provide full financial contributions to the economic wealth of Australia, and after a reasonable period of time, be entitled to a sense of security only to find if and when the time comes around, that we and our families do not qualify in many areas.

In addition this is evidently causing confusion for New Zealand Citizens who do not understand the distinct differences between a 'Permanent Resident (for taxation purposes)' and a 'Permanent Resident Visa', nor that they will never be entitled to Australian Citizenship.

Citizenship or Australian Permanent Residency:

- The pathway to Australian Citizenship for the average New Zealand Citizen and their families starts in applying for a Permanent Residency Visa and comes with severe limitations in meeting the criteria and simply will not qualify for they do not meet the:
  - o Skilled Migrants List
  - o Employer Sponsored Worker
  - o Family Members
  - o Points required, age limitations and affordability etc
- Therefore Australian Citizenship will not ever be an option.

- However New Zealand Citizens can and are filling almost every other employable position across Australia, yet even after years of working hard and being law abiding people and of good character will not ever qualify for the pathway to Australian Citizenship.
- Australian recruitment agencies continue to run highly successful recruitment drives across New Zealand to fill positions in several industries including mining and resources and tourism, and what's more fail to show an obligation in disclosure of entitlements and providing further vital information to ensure one's awareness of what their residency does not entail. Many of the positions being recruited for simply do not fit the Skilled Migrants and therefore do not support any path to Citizenship.
- Children born in Australia to unprotected New Zealand Citizens are not born Australian citizens. Such children will acquire citizenship on their tenth birthday if they have been ordinarily resident in Australia since birth (under the Statelessness Convention).

Non Protected SCV holders who do not have a clear pathway to Australian Citizenship cannot apply to:

- Join the Australian Defence Force. Directly impacting children (NZ) who have grown up in Australia and who have dreamed of joining the force and being told to go home to NZ and join the force there and reapply later.
- Work in certain Government departments

Any restrictions, including a waiting period, must be reasonable and proportionate. A waiting period of forever is neither reasonable nor proportionate.

All other migrants must fill out and have approved a visa application prior to entering into Australia and become aware of entitlements from the earliest onset, such as through the booklet provided by DIAC, *Beginning a Life in Australia – Welcome to Australia* (DIAC, 2012). For New Zealand Citizens who arrived after February 2001 as Non Protected SCV, the vast proportion of content within this booklet has no specific relevance. Nor are New Zealand Citizens required to physically complete a visa application to learn immediately of where they stand upon arrival and settlement in Australia.

As discussed above, varying preventative measures can be addressed to eliminate and/or reduce negative outcomes through making readily available detailed information; however it is clearly obvious that other areas as a direct relation to changes are only serving to exasperate issues and it is here where legislative changes can diminish and/or eliminate in its entirety for the betterment of all concerned.



#### Q4.7 HOW SIGNIFICANT A RISK IS 'BACK DOOR' IMMIGRATION?

GIVEN ITS SIGNIFICANCE TO THE EVOLUTION OF THE TRANS-TASMAN LABOUR MARKET, WOULD THERE BE NET BENEFITS FROM CLOSER ALIGNMENT OF THE TWO COUNTRIES' MIGRATION POLICIES?

WHAT WOULD BE THE DIFFICULTIES/ISSUES IN SEEKING TO ACHIEVE THIS? WOULD THERE BE VALUE IN DEVELOPING A FRAMEWORK OF PRINCIPLES TO GUIDE ACCESS TO SOCIAL SECURITY UNDER THE TRANS-TASMAN TRAVEL ARRANGEMENT?

WHAT CHANGES TO AUSTRALIAN GOVERNMENT SOCIAL SECURITY LIMITS COULD PROMOTE A BETTER BALANCE BETWEEN PREVENTION OF GOVERNMENT TRANSFER SHOPPING AND EQUAL TREATMENT?

Over the past decade, 'Back door' immigration has and is continually being addressed from the New Zealand Government standpoint, an occurrence of many nations, including Australia. Concerns arise by New Zealand Citizens, many who are descendants with long-standing ties to New Zealand through family and with historical links to the ANZACS, as being categorized as 'back door migrants', when regardless of years of residency, and/or as migrants from other countries into NZ and having met criteria and been approved Citizenship are feeling as though they are being directly discriminated against, an area that needs to be remedied.

Potential areas to further investigate:

- A points accrual based on:
  - o Improvements in pathways to Citizenship based on length of time resident in Australia, period of employment, income earned and taxes paid, business owner/operator, housing stability (i.e. rental stability, owns house, multiple properties) that determines and supports evidence of long term residency.
  - o Not prejudicing low skilled workers, but consideration of long term residency, stability of income, employment, contributions and/or commitment to society/community, character, and references.
  - o Education - current and proposed through continual study in Australia that supports ongoing residency.
  - o Acknowledge existing data/statistics gathered; develop solutions to determine potentially positive outcomes.
  - o Conduct research of factual data that determines the financial contribution of permanent resident NZ Citizens since the 2001 amendments to provide comparisons of proposed social security costs of potential changes.
  - o Conduct research to gather quantitative and qualitative data that supports issues being raised by permanent resident New Zealand Citizens in Australia.

#### CONCLUSION BY THE AUTHOR

Included throughout this submission are suggestions that could also benefit from more detailed research and provide potential solutions with measurable outcomes. I have compiled a draft survey with input from varying credible sources, for permanent resident New Zealand Citizens to complete that I believe will be of substantial support to the Productivity Commission in the data that will be obtained. Through my website and extensive network, I have the means in which to gain support in having this survey filled by relevant participants, however as an independent and not coming from an organization, funding is not currently available to me to cover the costs of this survey.

Through the appeal of many NZ Citizens living in Australia who request a fair go from the NZ and Australian Governments, I have gathered 3,286 signatures on my petition voicing the above concerns with many more

people highlighting the sheer scope of broad issues being experienced across Australia. This petition is current and is also being supported by Australian Citizens. (See 'A Fair Go For NZ Citizens Living in Australia' – <http://www.thepetitionsite.com/1/fair-go-nz-citizens-in-oz/>)

I make this submission asking for the Productivity Commission to consider the contents and to make recommendations that encourage restoration of equal treatment to New Zealanders permanently residing in Australia under the Trans-Tasman Travel Arrangements. Namely, that we are again recognised as residents under the Social Security Act and as permanent residents under the Australian Citizenship and Migration acts.

In addition and for the purpose of inclusion to be recognised and embraced for our economic and social benefits of diversity that we willingly contribute to Australia with true representation and global recognition as a culturally diverse and socially cohesive nation and one that fully supports Human Rights.

To this end, I also ask for recommendations towards establishing a formal treaty between Australia and New Zealand that enshrines the rights to equality and protection from discrimination to Australians and New Zealanders alike when we are living in each other's countries.

On behalf of all affected New Zealanders who raise families and pay taxes in Australia, and for the sake of common decency, I ask sincerely the New Zealand and Australian Government to formulate positive outcomes as soon as humanly possible.

Thank you for your time and I appreciate your consideration of my submission.

Warm Regards

Christel Broederlow

## APPENDICES 1

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## TABLES

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- Table 2: Data supplied by Paul Hamer of Victoria University, Wellington (source: ABS Census 2011)
- Table 3: OECD (2011), Education at a Glance 2011: OECD Indicators, OECD Publishing. <http://dx.doi.org/10.1787/eag-2011-en>
- Table 4: Population with tertiary education (2009) (OECD Indicators, 2011)
- Table 5: Trends in educational attainment: 25-64 year-olds (1997-2009) (OECD Indicators, 2011)
- Table 6 Trends in formal students by level of study and setting (NZ Ministry of Education, 2010)
- Table 7 Distribution of equivalent full-time students by level of study (NZ Ministry of Education, 2010)
- Table 8: Domestic students enrolled in level 4 to 7 non-degree study in 2010
- Table 9: Domestic equivalent full-time student units in bachelors and higher qualifications by selected fields of study in 2010