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Committee Secretary

Community Affairs Legislation Committee

PO Box 6021

Parliament House

Canberra ACT 2600

BY EMAIL: Community.Affairs.Sen@aph.gov.au

Inquiry into the Social Services Legislation Amendment (Encouraging Self-sufficiency for Newly Arrived Migrants) Bill 2018

Dear Committee Secretary,

At the hearing of this inquiry on 17 April 2018 IARC took on notice the question of whether social security payments to a visa holder that exceed the bond that has been deposited would result in a debt by the assurer to the Commonwealth.

An “assurance of support” is described by the *Social Security Act* 1991 (**Act**) to mean an undertaking by a person to pay the commonwealth an amount equal to the amount of social security payments that is received by another person identified in the undertaking. The undertaking is limited to a period of time¹ but there is no limit to the amount of debt that is accrued. Subsection 1227(1) further provides that:

“If a person is liable to pay an assurance support debt, the debt is a debt due to the Commonwealth”

It may thus be deduced that welfare payments that exceed the amount of a bond would result in the additional amount becoming a debt by the assurer to the Commonwealth.

We again thank the Committee for the opportunity to comment on the Bill.

¹ See section 1061ZZGA of the *Act*

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Yours sincerely,

IMMIGRATION ADVICE AND RIGHTS CENTRE Inc.

Ali Mojtahedi

Principal Solicitor