



LIN 20/085

**Australian Citizenship (LIN 20/085: Approval of a Citizenship Test)
Determination 2020**

made under the Australian Citizenship Act 2007

Compilation no. 2

Compilation date 2 June 2023.

This compilation was prepared by the Department of Home Affairs on 2 June 2023 taking into account amendments up to *Australian Citizenship (Approval of a citizenship test) Amendment Determination 2023* (ADMIN 23/020).

About this compilation

This compilation

This is a compilation of the *Australian Citizenship (LIN 20/085: Approval of a Citizenship Test) Determination 2020* that shows the text of the law as amended and in force on 17 June 2023 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1 Preliminary

1 Name

- (1) This instrument is the *Australian Citizenship (LIN 20/085: Approval of a Citizenship Test) Determination 2020*.
- (2) This instrument may be cited as LIN 20/085.

2 Commencement

- (1) Each provision of this instrument 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.

Commencement information		
Column 1	Column 2	Column 3
Provision	Commencement	Date/Details
Parts 1, 2 and 3 Schedules 1, 2, 3 and 4	The day after signature	
Part 4 and Schedule 5	15 November 2020	

Note: This table relates only to the provisions of this instrument as originally made.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

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

3 Authority

This instrument is made under subsection 23A(1) of the Act and according to subsection 33(3) of the *Acts Interpretation Act 1901*.

4 Definitions

In this instrument:

Act means the *Australian Citizenship Act 2007*.

ADMIN 22/016 means *Australian Citizenship (Approval of a Citizenship Test) Amendment Determination (No. 2) 2022*.

approved citizenship test means a standard test or an assisted test.

APS 3 level employee means an APS employee who is classified as an APS Level 3 employee under the Classification Rules.

APS 4 level employee means an APS employee who is classified as an APS Level 4 employee under the Classification Rules.

APS employee has the same meaning as the *Public Service Act 1999*.

authorised person means a person contracted by the Commonwealth to be a *test administrator* or *test invigilator*. For the purpose of this Determination, persons

contracted by the Commonwealth are authorised to be test administrators or test invigilators, able to perform the roles set out in Schedule 1.

Classification Rules means the rules made under section 23 of the *Public Service Act 1999*.

Computer-based Assisted Test means the Assisted Test conducted, under the control of the Minister, by using a computer program.

Computer-based Standard Test means the Standard Test conducted, under the control of the Minister, by using a computer program.

Department means Department of Home Affairs.

resource book means the book titled *Our Common Bond* that is provided by the Department that contains information to assist applicants to prepare for the citizenship test.

test administrator when used generally, means any of the following:

- (a) an APS 4 level employee or above of the Department who is responsible for managing the citizenship test at one or more locations and is exercising that responsibility at the relevant time;
- (b) an employee of the Commonwealth who is an Australian citizen who works at an overseas diplomatic post and has a Commonwealth security clearance that permits them to access documents classified as 'Protected';
- (c) an APS 4 level employee or above of Services Australia who is responsible for managing the citizenship test at one or more locations and is exercising that responsibility at the relevant time;
- (d) an APS 4 level employee or above of the Commonwealth, who is an Australian citizen undertaking work of the Department within Australia, who is responsible for managing the citizenship test at one or more locations and is exercising that responsibility at the relevant time;
- (e) the Administrator of Christmas Island and Cocos (Keeling) Islands;
- (f) the Deputy Administrator of Christmas Island and Cocos (Keeling) Islands;
- (g) an authorised person who is contracted by the Commonwealth and who is responsible for managing the citizenship test at one or more locations and is exercising that responsibility at the relevant time.

Note: For information on the roles of a **test administrator**, see Schedule 1.

test invigilator for the purposes of the Standard Test or Assisted Test means any of the following:

- (a) an APS 3 level employee or above of the Department who is responsible for supervising an applicant who undertakes an approved citizenship test;
- (b) a Locally Engaged Staff member who is an Australian citizen employed at an Australian overseas mission and has a security clearance of 'Protected' and is undertaking work for the Department;
- (c) an APS 3 level employee or above of Services Australia who is responsible for supervising an applicant while they undertake an approved citizenship test;
- (d) an employee of the Commonwealth who is an Australian citizen undertaking work for the Department within Australia and who is responsible for supervising a person while the person undertakes an approved citizenship test;

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- (e) an authorised person who is contracted by the Commonwealth and who is responsible for supervising a person while that person undertakes an approved citizenship test.

Note: For the roles of a **test invigilator**, see Schedule 1.

Values questions for the purposes of this Determination is a subset of the questions approved by the Minister, based on assessing an applicant's understanding of Australian values.

5 Schedules

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

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under the Freedom of Information Act 1982

Part 2 The Standard Test

6 Approval of Standard Test

The Standard Test is approved under subsection 23A(1) of the Act for the purposes of subsection 21(2A) of the Act.

7 Standard Test

- (1) The Standard Test is conducted under the control of the Minister, by use of a:
 - (a) computer program (the Computer-based Standard Test); or
 - (b) printout of the Computer-based Standard Test, available in certain circumstances.

Note: For example, a printout might be given where the applicant does not have access to the Computer-based Standard Test.

- (2) The computer program mentioned in paragraph (1)(a) must randomly select 20 questions, of which 5 questions must be values questions, to be answered by the applicant from the approved questions and answers specified in Schedule 5.
- (3) The questions are derived from the content of the testable section of the resource book.
- (4) Each Standard Test includes a spread of questions from different parts of the testable section of the resource book.
- (5) The Standard Test questions and multiple-choice answers are in English.

Note: *Standard Test* means a test conducted in relation to an applicant's eligibility under section 21 of the Act to become an Australian citizen

8 Eligibility criteria for sitting the Standard Test

- (1) For the purposes of subsection 23A(3) of the Act, an applicant is eligible to sit the Standard Test if the applicant:
 - (a) is a permanent resident; and
 - (b) satisfies the Minister as to the applicant's identity by:
 - (i) allowing a photograph to be taken of the applicant's face and shoulders by:
 - (A) a person holding, occupying or performing a role for the Department; or
 - (B) a person holding, occupying or performing a role for Services Australia; and
 - (ii) providing such other documentary evidence of identity as requested by a person specified in sub-subparagraph 8(b)(i)(A) or (B); and
 - (c) has lodged an application for Australian citizenship by conferral under section 21 of the Act.

9 Period for sitting and completing the Standard Test

For the purposes of subsection 23A(5A) of the Act, an applicant must complete the Standard Test within 45 minutes of starting the test, regardless of whether the applicant receives assistance with sitting the Standard Test.

10 Conduct while sitting the Standard Test

- (1) An applicant sitting the Standard Test is not permitted to refer to any study aids, or communicate with any person (other than the test administrator or test invigilator) by telephone or otherwise.

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- (2) If an applicant fails to comply with subsection (1), the test administrator may require the applicant to leave the citizenship test site, without allowing the applicant to complete the Standard Test, and may determine that the person has not successfully completed the Standard Test.
 - (3) If the test administrator is satisfied that an applicant whose Standard Test has been submitted for marking did not comply with subsection (1), the test administrator may determine that the applicant has not successfully completed the Standard Test.

11 Successful completion of the Standard Test

- (1) For the purposes of subsection 23A(2) of the Act, to successfully complete the Standard Test an applicant must:
 - (a) answer at least 75 percent of the test questions correctly; and
 - (b) have had the Computer-based Standard Test computer program calculate that the applicant has successfully completed the Standard Test, subject to subsection (2).

Note: The computer program will mark the completed test to calculate whether the applicant has successfully completed the Standard Test and the answers provided by the applicant as a result of a printout of the Computer-based Standard Test will be entered into the computer program for marking.

- (2) The applicant will not have successfully completed the Standard Test if the test administrator makes a determination in respect of the conduct of the applicant under section 10, that the applicant has not successfully completed the Standard Test, including in the event the computer program calculated that an applicant has successfully completed the Standard Test.
- (3) A successful Standard Test result is valid indefinitely.

Part 3 The Assisted Test

12 Approval of an Assisted Test

The Assisted Test is approved under section 23A(1) of the Act for the purposes of subsection 21(2A) of the Act.

13 Assisted Test

- (1) The Assisted Test is conducted under the control of the Minister, by use of a:
 - (a) computer program (the Computer-based Assisted Test); or
 - (b) printout of the Computer-based Assisted Test available in certain circumstances.

Note For example, a printout might be given where the applicant does not have access to the Computer-based Assisted Test.

- (2) The computer program mentioned in paragraph (1)(a) must randomly select 20 questions, of which 5 questions must be values questions, to be answered by the applicant from the approved questions and answers specified in Schedule 5.
- (3) The questions are derived from the content of the testable section of the resource book.
- (4) Each Assisted Test includes a spread of questions from different parts of the testable section of the resource book.
- (5) The Assisted Test questions and multiple-choice answers are in English.

Note: Assisted Test means a test conducted in relation to an applicant's eligibility under section 21 of the Act to become an Australian citizen.

14 Eligibility criteria for sitting the Assisted Test

For the purposes of subsection 23A(3) of the Act, an applicant is eligible to sit the Assisted Test if the applicant:

- (a) satisfies the eligibility criteria for sitting the Standard Test in section 8; and
- (b) has either:
 - (i) low literacy skills demonstrated by completing at least 400 hours of English language tuition under the Adult Migrant English Program; or
 - (ii) a physical or cognitive impairment (whether permanent or temporary) that prevents them from sitting the Standard Test, even with the assistance from the test administrator.

15 Period for Sitting and Completing the Assisted Test

For the purposes of subsection 23A(5A) of the Act, an applicant must complete the Assisted Test within 90 minutes of starting the test.

16 Conduct while sitting the Assisted Test

- (1) An applicant sitting the Assisted Test is not permitted to refer to any study aids, or communicate with any person, (other than the test administrator or test invigilator), by telephone or otherwise.
- (2) If an applicant fails to comply with subsection (1), while sitting the test, the test administrator may require the applicant to leave the citizenship test site, without allowing the applicant to complete the Assisted Test, and may determine that the person has not successfully completed the Assisted Test.
- (3) If the test administrator is satisfied that an applicant, whose test has been submitted for marking, did not comply with subsection (1), the test administrator

may determine that the applicant has not successfully completed the Assisted Test.

17 Successful Completion of the Assisted Test

- (1) For the purposes of subsection 23A(2) of the Act, in order to successfully complete the Assisted Test, an applicant must:
 - (a) answer at least 75 percent of the test questions overall correctly; and
 - (b) have had the Computer-based Assisted Test computer program calculate that the applicant has successfully completed the Assisted Test, subject to subsection (2).

Note: The answers provided by the applicant as a result of a print out of the Computer-based Assisted Test will be entered into the computer program for marking.

- (2) The applicant will not have successfully completed the Assisted Test if the test administrator makes a determination in respect of the applicant under section 16 that the applicant has not successfully completed the Assisted Test, including in the event the computer program calculated that an applicant has successfully completed the Assisted Test.
- (3) A successful Assisted Test result is valid indefinitely.

Part 4 **Successful completion of test and values questions**

18 **Successful completion of the Standard Test or the Assisted Test**

For the purposes of subsection 23A(2) of the Act, in addition to satisfying sections 11 or 17, an applicant must correctly answer 100 percent of the values questions, in order to successfully complete the test.

Note: Each test will consist of 20 questions, with 5 randomly selected **values questions**, which have been approved by the Minister, focussed on assessing the applicant's understanding of Australian values.

Schedule 1 Roles of Test Personnel

1 Test administrator role

- (1) A person who meets paragraph (a), (b), (e) or (f) of the definition of test administrator may undertake any of the following roles:
- (a) administer a Standard Test or an Assisted Test; or provide assistance during a Standard Test;
 - (b) administer a printout of either the Computer-based Standard Test or Computer-based Assisted Test and complete the required documentation;
 - (c) assess a person's eligibility to sit a test in accordance with the eligibility requirements under section 8 and 14;
 - (d) generate a test identification number;
 - (e) log a client into a Computer-based Standard Test or a Computer-based Assisted Test using the client's test identification number;
 - (f) require a person to leave the citizenship test site under subsections 10(2) or 16(2);
 - (g) determine under subsections 10(2) and 10(3) or 16(2) and 16(3) that an applicant has not successfully completed the Standard Test or Assisted Test;
 - (h) provide assistance to an applicant who has difficulty operating within a testing environment.

Note: For example, a test administrator may assist an applicant by:

- (a) operating the mouse as directed by an applicant with poor or no computer or literacy skills; or
- (b) reading the questions and answers aloud for a person with a physical or cognitive impairment that prevents that person from sitting the Standard Test independently, if the read-speaker technology or headphones are not operational.

- (2) A person who meets paragraph (c), (d) or (g) of the definition of test administrator may undertake any of the following roles:
- (a) administer a Standard Test or an Assisted Test, or provide assistance during a Standard Test;
 - (b) administer a printout of either the Computer-based Standard Test or Computer-based Assisted Test and complete the required documentation;
 - (c) assess a person's eligibility to sit a test in accordance with the eligibility requirements under section 8 and 14;
 - (d) log a client into a Computer-based Standard Test or a Computer-based Assisted Test using the client's test identification number;
 - (e) require a person to leave the citizenship test site under subsections 10(2) or 16(2);
 - (f) determine under subsections 10(2) and 10(3) or 16(2) and 16(3) that an applicant has not successfully completed the Standard Test or Assisted Test;
 - (g) provide assistance to an applicant who has difficulty operating within a testing environment.

Note: For example, a test administrator may assist an applicant by:

- (a) operating the mouse as directed by an applicant with poor or no computer or literacy skills; or

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- (b) reading the questions and answers aloud for a person with a physical or cognitive impairment that prevents that person from sitting the Standard Test independently, if the read-speaker technology or headphones are not operational.

2 Test invigilator role

- (1) A test invigilator may undertake any of the following roles:
- (a) request a document containing a photograph to confirm a person's identity prior to logging them onto a Computer-based Standard Test;
 - (b) use a test identification number generated by a test administrator to log a person on to a Computer-based test;
 - (c) supervise one or more persons undertaking a Computer-based Standard test; or a printout of the Computer-based Standard test;
 - (d) provide the test results to a client who has completed a test.
- (2) Without limiting subsection (1), a test invigilator must not:
- (a) administer an Assisted Test; or give assistance during a Standard Test; or
 - (b) read out the questions and possible answers to a client or operate the mouse for an applicant during the test.

Schedule 2—Repeal

Determination for the Approval of a Citizenship Test (Section 23A) IMMI 11/088

1 The whole of the instrument

Repeal the instrument.

Schedule 3 Application Provision

1 Application provision

- (1) This instrument applies to a person who makes an application for citizenship by conferral on or after the commencement day.
- (2) This instrument also applies to a person who:
 - (a) made an application for citizenship by conferral before the commencement day; and
 - (b) had not, before the commencement day, successfully completed a citizenship test approved by the Minister under subsection 23A(2) of the Act in relation to that application.
- (3) Despite the repeal of IMMI 11/088 - *Determination for the Approval of a Citizenship Test (Section 23A)* by this instrument, that instrument as in force immediately before commencement day continues to apply to a person who:
 - (a) made an application for citizenship by conferral before commencement of this instrument; and
 - (b) before the commencement day, successfully completed a citizenship test approved by the Minister under subsection 23A(2) of the Act in relation to that application.
- (4) In this clause:

commencement day means the day on which Part 1 of this instrument commences.

2 Application of amendments made by ADMIN 22/016

- (1) The amendments made to this instrument by ADMIN 22/016 apply to a person who makes an application for citizenship under section 21 of Act on or after the amendment day.
- (2) The amendments made to this instrument by ADMIN 22/016 also apply to a person who:
 - (a) made an application for citizenship under section 21 of the Act before the amendment day; and
 - (b) had not, before the amendment day, successfully completed an approved citizenship test in relation to that application.
- (3) Despite the amendments made by ADMIN 22/016, this instrument as in force immediately before the amendment day continues to apply to a person who:
 - (a) made an application for citizenship under section 21 of the Act before the amendment day; and
 - (b) successfully completed an approved citizenship test.
- (4) In this clause:

amendment day means the day that ADMIN 22/016 commences.

3 Application of amendments made by ADMIN 23/020

- (1) The amendments made to this instrument by the *Australian Citizenship (Approval of a citizenship test) Amendment Determination 2023 (ADMIN 23/020)* apply to a person who makes an application for citizenship under section 21 of the Act:
 - (a) after ADMIN 23/020 commenced; or
 - (b) before ADMIN 23/020 commenced if the person had not successfully completed, before then, an approved citizenship test for the application.
- (2) Despite the amendments made by ADMIN 22/016, this instrument, as in force immediately before ADMIN 23/020 commenced, continues to apply to a person who:
 - (a) made an application for citizenship under section 21 of the Act before ADMIN 23/020 commenced; and
 - (b) successfully completed an approved citizenship test.

Schedule 5 Questions and answers

LEGEND NOTE:

This part of this Determination is classified as "FOI-exempt" in LEGEND as it is potentially exempt under Part IV of the FOI Act. Documents listed as FOI exempt are not made publicly available (eg via LEGENDcom). Any request to the department for access to this part of the Determination would be considered under the FOI Act.

Staff with a business need for information about this part of the Determination should contact Citizenship Policy Section in the Department.

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Notes

This compilation comprises *Australian Citizenship (LIN 20/085: Approval of a Citizenship Test) Determination 2020* amended as indicated in the following tables.

Table of instruments

Name	Number	Commencement	Application, saving or transitional provisions
<i>Australian Citizenship (LIN 20/085: Approval of a Citizenship Test) Determination 2020</i> (LIN 20/085)	LIN 20/085	11 February 2020— Parts 1, 2 and 3, and Schedules 1, 2, 3 and 4 15 November 2020— Part 4 and Schedule 5	clause 1 of Schedule 3
<i>Australian Citizenship (LIN 20/149: Approval of a Citizenship Test) Amendment Determination 2020</i> (LIN 20/149)	LIN 20/149	17 September 2020	—
<i>Australian Citizenship (Approval of a Citizenship Test) Amendment Determination (No. 2) 2022</i>	ADMIN 22/016	15 January 2022	clause 2 of Schedule 3
<i>Australian Citizenship (Approval of a citizenship test) Amendment Determination 2023</i>	ADMIN 23/020	2 June 2023	clause 3 of Schedule 3

Table of amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
section 4	am. LIN 20/149, ADMIN 22/016, ADMIN 23/020
section 7	am. ADMIN 22/016
section 8	am. LIN 20/149, am. ADMIN 23/020
section 13	am. ADMIN 22/016
section 14	am. ADMIN 22/016
section 17	am. LIN 20/149
Schedule 1, clause 1	am. LIN 20/149
Schedule 3, clause 1	am. ADMIN 22/016
Schedule 3, clause 2	ad. ADMIN 22/016
Schedule 3, clause 3	ad. ADMIN 23/020
Schedule 4	rep. ADMIN 22/016
Schedule 5	rs. LIN 20/149, rs. ADMIN 22/016, rs. ADMIN23/020