

The new Australian Immigration policy is to issue Bridging Visas to boat arrivals who are seeking asylum. They will be able to live in the community while their claims for asylum are finalised, thereby treating them the same way as those who arrive by air. They will also have access to the Refugee Review Tribunal.

***We wish you a very happy and safe time over the holiday period and look forward to seeing you all in the New Year.***

### **Direction No 53 - Assessing the Genuine Temporary Entrant Criterion for Student Visa Applications**

On 07 March 2011, the Hon Michael Knight AO released a discussion paper on the student visa program. On 30 June 2011, he reported to the government the Strategic Review of the Student Visa Program 2011 with 41 recommendations. (The Knight Review)

On 05 November 2011, the Minister issued Direction No 53 entitled 'Assessing the Genuine Temporary Entrant Criterion for Student Visa Applications', adopting the recommendation of the Knight Review. According to Direction No. 53, an applicant for a student visa must now prove to DIAC that he is a 'genuine temporary entrant'. This Direction is very important and many new student visa applicants face refusal due to the increased emphasis on bona fides checking. Therefore, an application for a Student visa will be refused if, after weighing up the applicant's circumstances, immigration history and any other relevant matter, the decision maker is not satisfied that the applicant genuinely intends a temporary stay in Australia.

We provide a summary of a few key points addressing 'genuineness' for persons preparing a student visa application:

1. The applicant or a relative of the applicant has an immigration history of concern.
2. The applicant intends to study in a field unrelated to their previous studies or employment.
3. Apparent inconsistencies in information provided by the applicant in their Student visa application.
4. The applicant's circumstances in their home country and the applicant's potential circumstances in Australia.
5. The value of the course to the applicant's future.
6. Weight should be placed on an applicant's circumstances that indicate that the Student visa is intended primarily for maintaining residence in Australia
7. Whether the applicant has sound reasons for not undertaking the study in the home country or region if a similar course is already available there
8. The extent of the applicant's personal ties to their home country (for example family, community and employment) and whether they would serve as a significant incentive to return to their home country.
9. Economic circumstances of the applicant that would present as a significant

*In this issue:*

**Immigration**

[Direction 53 – student visa applications](#)

[UN praises policy on boat arrivals](#)

[Bridging visas begin](#)

[Bridging visas a more humane way](#)

[Refugee finds new hope in community](#)

[RCOA supports community processing](#)

[Community processing is solution](#)

incentive for the applicant not to return to their home country. This may include consideration of the applicant's circumstances relative to the home country and to Australia.

10. Military service commitments that would present as a significant incentive for the applicant not to return to their home country.
11. Political and civil unrest in the applicant's home country.
12. The applicant's ties with Australia which would present as a strong incentive to remain in Australia. This may include family and community ties Evidence that the Student visa program is being used to circumvent the intentions of the migration program.
13. Whether the Student visa is being used to maintain ongoing residence.
14. Whether the primary and secondary applicant(s) have entered into a relationship of concern for Student visa purposes
15. The applicant's knowledge of living in Australia and their intended course of study and the associated education provider; including previous study and qualifications, what is a realistic level of knowledge an applicant could be expected to know and the level of research the applicant has undertaken into their proposed course of study and living arrangements
16. Whether the student is seeking to undertake a course that is consistent with their current level of education and whether the course will assist the applicant to obtain employment or improve employment prospects in their home country
17. Relevance of the course to the student's past or proposed future employment either in their home country or a third country.
18. Remuneration the applicant could expect to receive in the home country or a third country, compared with Australia, using the qualifications to be gained from the proposed course of study.
19. Previous visa applications for Australia or other countries and whether it was granted/or refuse (if so on what grounds).
20. Previous travels to Australia or other countries and whether or not the applicant has complied with the visa conditions and left before the visa ceased.
21. Whether the applicant previously held a visa that was cancelled or considered for cancellation, and the associated circumstances
22. The amount of time the applicant has spent in Australia and whether the Student visa may be used primarily for maintaining ongoing residence, including whether the applicant has undertaken a series of short, inexpensive courses, or has been onshore for some time without successfully completing a qualification.
23. If the applicant has travelled to countries other than Australia, whether they complied with the immigration laws of that country and the circumstances around any non-compliance.

A full text of Direction No. 53 is available at:

[www.immi.gov.au/gateways/agents/pdf/direction-53-assessing-gte.pdf](http://www.immi.gov.au/gateways/agents/pdf/direction-53-assessing-gte.pdf)

For more information contact [David Bitel](#) of our office.

## United Nations praises double policy relief for boat arrivals

The federal government has taken the first steps towards winding back its vast immigration detention network for boat arrivals, releasing 27 men into the

[Impact of bridging visa restrictions on human rights](#)

[Myths about people in detention](#)

[Immigration failed to heed signs before riots](#)

[Immigration catches 16 illegal workers](#)

[Skills Australia Needs event in London](#)

---

## United Nations

[Australia second best place to live](#)

[UN Commission on Status of Women](#)

[UNHCR proposes regional approach to asylum seekers](#)

community on bridging visas, with 100 a month to follow.

Next year asylum seekers arriving by boat will also have access to the Refugee Review Tribunal, which assesses the claims of air arrivals, for the first time.

The two moves effectively end the discriminatory treatment of refugee claims by boat arrivals in Australia and were welcomed yesterday by the United Nations High Commissioner for Refugees as boosting the credibility of the asylum system in Australia.

However, the Immigration Minister, Chris Bowen, said the law excising Christmas Island will remain, so that offshore processing could be resurrected in the future, should legislation overcoming a High Court ban ever pass Parliament.

The separate system to assess the refugee claims of people arriving by boat at Christmas Island has been plagued with controversy, with two out of three decisions overturned in the Federal Magistrates Court this year on the grounds of lack of fairness. By contrast, the Refugee Review Tribunal had only 8 per cent of decisions appealed to a higher court and 1 per cent overturned.

"With the legislative impasse and the resulting move towards greater community placement, there is no longer any benefit to parallel processing arrangements for offshore entry persons," Mr Bowen said. Shifting to one system is expected to be cheaper and Mr Bowen said the tribunal may make decisions "better able to resist judicial appeal".

The 27 male asylum seekers who have been released into the community will live with family and friends and have work rights until their refugee claim is finalised.

Mr Bowen said at least 100 asylum seekers would be released on bridging visas each month, with those who had spent the longest in detention, experienced torture, had friends who could provide accommodation and had good behaviour in detention, receiving priority.

[www.smh.com.au/national/un-praises-double-policy-relief-for-boat-arrivals-20111125-1nz80.html](http://www.smh.com.au/national/un-praises-double-policy-relief-for-boat-arrivals-20111125-1nz80.html)

### **Bridging visas begin**

The Government will begin taking asylum-seekers out of detention and placing them in the community for processing on bridging visas within days. Immigration Minister Chris Bowen has announced conditions under which these visas will operate.

People who have gone through initial health, security and identity checks and who did not pose risks would be "progressively considered for community placement on bridging visas while their asylum claims are assessed". Priority will go to those who had been in detention the longest.

He said there were already about 9000 people on bridging visas for other reasons, such as overstaying a different visa.

"People released into the community on bridging visas will have reporting conditions and anyone found breaching these conditions risk having their visas cancelled and being returned to immigration detention."

They will have the right to work and to health services, and some will be able to get support from the government-funded assistance programs, but will not be eligible for Centrelink benefits.

---

## **Foreign Affairs**

[APEC trade and investment](#)

[Free-trade pact for Australia, 8 countries](#)

[DFAT passports IT upgrade](#)

[New chapter in Australia-PNG relations](#)

---

## **Human Rights**

[Australia's Human Rights Award](#)

[Human Rights Commission Annual Report](#)

[Superannuation age cap removed](#)

[Australian workplaces support women's advancement](#)

[Online child protection laws](#)

"The program is not targeted at people currently in detention who aren't refugees and refuse to cooperate with the department on removal options," he said.

"Those people who are assessed to pose an unacceptable risk to the community will remain in an immigration detention facility."

The bridging visas are separate to the existing community detention program, which offers greater support and is used for "more vulnerable people or those not suited to bridging visas".

Mr Bowen also revealed the Government would move to a single protection visa process for asylum seekers, regardless of how they came to the country.

[www.canberratimes.com.au/news/national/national/general//bridging-visas-begin/2371013.aspx](http://www.canberratimes.com.au/news/national/national/general//bridging-visas-begin/2371013.aspx)

### **Bridging visas are a more humane way to treat people seeking protection**

The Australian Human Rights Commission has welcomed the announcement that bridging visas will be granted to an initial group of asylum seekers who arrived in Australia by boat.

This will allow them to live in the community while their refugee claims are finalised.

"The Commission has said for some time that asylum seekers who arrive by boat should be treated the same way as those who arrive by plane, and that they should be given bridging visas instead of being held in detention for long periods," Commission President Catherine Branson QC said.

"We are pleased to see the government acting on this recommendation. We hope to see as many people as possible granted bridging visas and removed from detention as quickly as possible."

She welcomed the government's intention to make greater use of community-based alternatives such as bridging visas and community detention, and said this had the potential to address the current problem that thousands of asylum seekers and refugees have been held in immigration detention facilities around Australia for long periods of time.

"There is no need for people to be held in detention facilities while their refugee claims are assessed. Using bridging visas is an effective alternative that is much more humane and cheaper than holding people in remote detention facilities for months or years at a time," she said.

[http://www.humanrights.gov.au/about/media/media\\_releases/2011/115\\_11.html](http://www.humanrights.gov.au/about/media/media_releases/2011/115_11.html)

### **After the despair of detention, refugee finds new hope in the community**

Call it culture shock. For 18 months, Mohammad Dostizada was an inmate at the Curtin Immigration Detention Centre, one of the most isolated, overcrowded and under-resourced high-security facilities for men who try to come to Australia by boat.

[Funding for research on child protection](#)

[Online resource for out-of-home carers](#)

[100,000 families apply for paid parental leave](#)

[Equal pay agreement for community and service workers](#)

---

#### **Resources**

#### **APB Education**

[X](#)

Now, courtesy of a new approach by the Gillard government, he is living in a suburban home in Dandenong with his nephew, Mohammad Taous, and dreaming of the day he can be joined by his wife and children.

Mr Dostizada is one of 27 asylum seekers recently released on bridging visas in what amounts to the beginning of the end of a system mental health experts say has created a generation of asylum seekers who suffer from mental disorder.

His claim for refugee status was upheld after he appealed the initial rejection, but that did not end his time in detention or his suffering. He is still waiting for a security clearance and knows of others who have waited 10 months or more for it to come through. His priority is to attend English classes and get work.

The Immigration Minister, Chris Bowen, expects at least 100 bridging visas will be issued each month to those in detention. With almost 4000 still in detention, it will take time.

He predicts that those who come by boat will be put on the same footing early next year as those who come by plane.

Mr Dostizada is eligible to apply for financial assistance of up to \$215 a week until he finds work. He is not eligible for public housing or any of the settlement support that will come with a protection visa.

<http://www.smh.com.au/national/after-the-despair-of-detention-refugee-finds-new-hope-in-the-community-20111127-1o1kf.html>

### **Community processing supported by RCOA**

The Refugee Council of Australia (RCOA) recently welcomed the government's moves to adopt community processing of refugees and asylum seekers.

Asylum seekers, including those arriving by boat, will be issued with bridging visas to live in the community while their claims for asylum are assessed.

However, the RCOA expressed concern that the Malaysia deal is still government policy and the excision legislation remains in place.

The RCOA said community processing will work with strong political leadership in every community.

Last month, RCOA was part of a 16-member delegation of community and faith organisations that met with Federal parliamentarians in Canberra.

The delegation emphasised its support for community-based processing and alternatives to detention and urged MPs to lead by example and promote positive community-centred policies.

The Minister for Immigration's media release outlines the new arrangements:

<http://www.minister.immi.gov.au/media/cb/2011/cb180599.htm>

*A Just Australia*, Newsletter of the Refugee Council of Australia, 25 November 2011.

### **Community processing is the solution to end mandatory detention**

The Asylum Seeker Resource Centre (ASRC) recently expressed its support for community processing of all asylum seekers with access to adequate levels of support.

Pamela Curr, Campaign Coordinator of ASRC, said that asylum seekers often "spend up to two years in detention grinding through a flawed process." This is because many of them are not accepted at primary level by the Department of Immigration and consequently have to apply for review with the Tribunals.

“This is an enormous financial cost to Australians and horrendous health and welfare cost to the asylum seekers who have to endure harsh conditions in isolated locations worrying about their future in long term detention,” said Curr.

“The only winners in this fiasco of refugee determination is a global security company called SERCO who get paid for running these appalling centres ... SERCO in turn impose appalling working conditions on their workers - 12 hour days, 6 day weeks, week on nights, week on days rotation. They get these unskilled workers to do this by paying them \$2100 per week- more than \$100,000 per year. Even so they cannot get enough Australians to do this brutal work so they import workers from UK and South Africa.”

“It is essential on moral, ethical and economic grounds that asylum seekers are released into the community - the bridging visas are a start.”

<http://www.asrc.org.au/campaigns/1-end-mandatory-detention/>

Detailed statistics on refugees and asylum seekers can be found in the publication *Asylum Trends Australia: 2010-11 – Annual Publication* published by the Department of Immigration and Citizenship. You can download a copy at: <http://www.immi.gov.au/media/publications/statistics/>

## The impact of bridging visa restrictions on human rights

A bridging visa is a temporary visa granted to people who are in the process of applying for a longer-term visa or making arrangements to leave Australia. Bridging visas are granted for many purposes, including to asylum seekers who are seeking refugee status in Australia. The bridging visa enables people to reside legally in the community while they are applying for a permanent visa, appealing a decision related to their application, or waiting to depart Australia.

There are several different subclasses of bridging visas which are granted to people depending on their circumstances. Bridging visas also come with various conditions and restrictions, depending on the class of the visa and the circumstances of the visa holder.

These conditions and restrictions may relate to:

- **Permission to Work:** Bridging visas may be subject to work restrictions, which prohibit the visa holder from working in Australia. This also means they are unable to do voluntary work or study. In cases of severe financial hardship, a visa holder may seek permission to work.
- **Social security:** Bridging visa holders cannot access social security benefits.
- **Health care:** Bridging visa holders who are not allowed to work are also ineligible for healthcare entitlements under Medicare and the Pharmaceutical Benefits Scheme.

As a result of these restrictions, many asylum seekers and refugees may face poverty and homelessness. Without the ability to support themselves through work or social security, they are entirely dependent on community services for their basic subsistence. The restrictions on volunteer work and study also mean that many people are unable to engage in any constructive or meaningful activity. These conditions can have negative effects on the physical and social well-being of asylum seekers, including anxiety, depression, mental health issues and family breakdown.

The Australian Human Rights Commission recommends asylum seekers be released from immigration detention and those living in the community be granted work rights and access to Medicare. Those who are unable to work should be granted access to financial and medical assistance.

Australian Human Rights Commission Submission to the United Nations Committee on Economic Social and Cultural Rights, 17 April 2009, pp. 15-16.

[http://www.humanrights.gov.au/legal/submissions/2009/20090417\\_icescr\\_review.doc](http://www.humanrights.gov.au/legal/submissions/2009/20090417_icescr_review.doc)

## Myths about people in detention

The Department of Immigration and Citizenship (DIAC) recently dispelled myths contained in a scurrilous email currently circulating titled: "The truth about the boat people".

The email purports to have been written by a reliable source, however, a DIAC spokesman said the information it contained was inaccurate, misleading and inflammatory. The department debunked these myths one by one.

Specifically, the spokesman said claims "asylum seekers received thousands of dollars in welfare benefits while in immigration detention" and that they were "given mobile phones for personal use" are incorrect.

"This information is just plain wrong," the spokesman said. "People in immigration detention do not receive cash payments and do not have access to welfare. Nor are they given mobile phones. In fact, asylum seekers who arrive by boat are not allowed access to mobile phones while they are in a detention facility. Their access is restricted to landlines only. And they've had restricted access to the internet since 2007."

Of more concern, the email also suggests that while in detention asylum seekers regularly assault staff and are allowed to treat them with disdain.

"Any criminal act or inappropriate behaviour is always investigated and referred to police if it required. To suggest otherwise is inflammatory."

[http://www.newsroom.immi.gov.au/media\\_releases/992](http://www.newsroom.immi.gov.au/media_releases/992)

## Immigration failed to heed signs leading up to riots

The Immigration Department was explicitly warned by a consultants' report that a serious incident would occur on Christmas Island because of severe overcrowding five months before riots broke out, an independent inquiry has found.

The report, by former public servants Allan Hawke and Helen Williams, described conditions on Christmas Island before the riots as "severely compromised" - with failing sewerage systems, supply of water "precarious", and access to toilets and education under stress. Detainee numbers had leapt to more than 6000, with 2530 on the island.

The Hawke and Williams inquiry found that adding to this mix was an influx of middle-class Iranian asylum seekers who had higher expectations of service and lower tolerance for delays in decision making or "failure to achieve a positive result".

Serco, the private company that runs the detention network, was warned of the planned mass escape and riot on Christmas Island four days in advance, but a teleconference with the Immigration Department in Canberra dismissed an informant's warning and there was no request for extra police.

The report blamed recent riots on Christmas Island and at Villawood in part on the detention network's inability to manage a core group of asylum seekers who had been rejected as refugees.

It said 80 of the 100 detainees identified as taking part in the Christmas Island riot had received an initial rejection of their refugee claim and were waiting for a review. Thirteen of the 19 charged over the riots had been rejected as refugees at the first interview. All nine charged over the Villawood riot had received a negative initial decision.

Mr Hawke and Ms Williams also called for a revision of terms of the contract with Serco to improve security and better co-ordination with police forces.

[www.smh.com.au/national/immigration-failed-to-heed-signs-leading-up-to-riots-20111129-1o55z.html](http://www.smh.com.au/national/immigration-failed-to-heed-signs-leading-up-to-riots-20111129-1o55z.html)

## **Immigration catches 16 illegal workers on farm in Ti Tree**

Arrangements are being made for the removal of 15 illegal workers detained during a compliance operation on a farm in Ti Tree (near Alice Springs), conducted with the assistance of Northern Territory Police, while the remaining person has been granted a bridging visa with strict conditions to depart Australia.

A departmental spokesman said those detained were thought to be long-term unlawful non-citizens. "There were 13 men and two women detained, comprising eight Malaysian males and one female, one Vietnamese male, three Chinese men, one Indonesian male and one female," the spokesman said.

Those detained are being transferred to the Northern Immigration Detention Centre (NIDC) and the Darwin Airport Lodge (DAL).

The operation was conducted at a farm that has had a history of hiring unlawful non-citizens and a departmental spokesman said investigations into the circumstances of the employment of the illegal workers were continuing.

Employers have access to the Visa Entitlement Verification Online (VEVO) service, allowing them to provide relevant identification details of prospective employees, with their consent, to confirm they are eligible to work in Australia. Employers convicted under Commonwealth legislation of having illegal workers face fines of up to \$13 200 and two years' imprisonment while companies face fines of up to \$66 000 per illegal worker.

[http://www.newsroom.immi.gov.au/media\\_releases/989](http://www.newsroom.immi.gov.au/media_releases/989)

## **Immigration to host Skills Australia Needs event in London**

Australian employers will be given the opportunity to discuss their options with skilled workers in the United Kingdom when the Department of Immigration and Citizenship (DIAC) hosts Skills Australia Needs information sessions in London.

The event will be staged on February 25 and 26 next year and will give employers the chance to discuss potential employment and sponsorship opportunities with pre-screened skilled workers.

"Skills Australia Needs events help address current skill shortages in areas of occupational demand in Australia, particularly health care, engineering and select trade occupations," a departmental spokesman said.

"Interested skilled workers can apply to attend the events, however, only those with recognised qualifications and experience in one of the occupations targeted will be selected."

Interested skilled workers must have a high level of English language ability and be under 50 years of age.

The information sessions do not attract a participation fee.

[http://www.newsroom.immi.gov.au/media\\_releases/986](http://www.newsroom.immi.gov.au/media_releases/986)

## **United Nations**

### **Australia second best place to live: UN**

Australia is the second best place in the world to live according to the United Nations, with Norway taking the title by a fraction in the annual Human Development Index (HDI).

The index compares 187 countries on factors including health, education, per-capita income and life expectancy.

Australia attained a scorecard of 93 out of a possible 100, followed by the Netherlands in third.

Grattan Institute economist Saul Eslake says Australia does particularly well in the life-expectancy category.

"By some measures we have a longer life expectancy than any other country except Japan, and that's the main thing that lifts Australia higher up in these rankings than we would be if the only consideration was per-capita income," he said.

"But overall, the combination of per-capita income, which has done well in Australia compared with other countries more seriously affected by the financial crisis, long life expectancy and reasonable levels of educational attainment have been enough to lift us into second place on this scale - in fact we've been there for a few years now."

Mr Eslake says the report does not capture what constitutes a country's liveability, but it does show why Australia is referred to as the lucky country.

"It ought to serve as a reminder that for all the complaints everyday Australians have about different aspects of their lives, this is one of the best countries in the world in which to live and to bring up children," he said.

The index forms part of the UN Development Report, and this year it is focused on environment, sustainability and inequality.

[www.abc.net.au/news/2011-11-03/australia-is-second-best-place3a-un/3620398](http://www.abc.net.au/news/2011-11-03/australia-is-second-best-place3a-un/3620398)

## **UN Commission on the Status of Women**

The Australian Government recently appointed three exceptional women to represent Australia at the 56th Session of the United Nations Commission on the Status of Women (CSW 56).

Darriea Turley and Rosemary Norman-Hill have been selected as community sector delegates, and Kaylene Rawlings Hunter as an Indigenous delegate to the CSW 56, which will be held in New York between 27 February and 9 March, 2012.

The Minister for the Status of Women, Kate Ellis, today congratulated these outstanding women on their appointment and said they would make a valuable contribution to this important gathering.

"Next year's theme for the CSW 56 will be the empowerment of rural women and their role in poverty and hunger eradication, development and current challenges."

"These representatives will bring with them a wealth of knowledge and experience in issues affecting rural women."

Ms Ellis said the UN Commission on the Status of Women works to achieve equal rights for women and men by developing policy recommendations for the international community.

"The UN Commission on the Status of Women also prepares resolutions on promoting women's rights in political, economic, social, civil and educational fields, for consideration by the United Nations Economic and Social Council," Ms Ellis said.

"It is important that Australia has strong and diverse representation at the Commission so we can continue to advance the status of women."

[http://www.kateellis.fahcsia.gov.au/mediareleases/2011/pages/un\\_commission\\_status\\_of\\_women\\_30\\_sept11.aspx](http://www.kateellis.fahcsia.gov.au/mediareleases/2011/pages/un_commission_status_of_women_30_sept11.aspx)

## UNHCR proposes regional cooperative approach to asylum-seeker problem

The UN High Commissioner for Refugees (UNHCR) has proposed the development of a Regional Cooperation Framework (RCF) to deal with the problems of refugees, asylum-seekers and irregular movement in the Asia-Pacific region.

In a discussion paper the UNHCR stated:

“Population movements in the Asia-Pacific region are complex and multi-layered with people coming into, as well as moving within, the region for a variety of reasons. Economic and social factors are at times a driving force, particularly given the demand by emerging economies for foreign labour. The region includes a mix of labour producing and labour receiving countries; with some countries simultaneously experiencing both types of labour migration.

“In this context, States in the Asia-Pacific region have recognised the need to address mixed and irregular movements of people in the region more effectively.

“Most recently in June of 2010, the Bali Process Ad Hoc Group held a Protection Workshop to examine more closely the important issue of protection within the broader context of the irregular movement of people. In the Bali Process Senior Officials Meeting that directly followed, participants endorsed and agreed “to immediately commence work to take forward a UNHCR co-hosted workshop to develop a coordinated and comprehensive regional approach to refugees and irregular movements, including secondary movements.”

UN High Commissioner for Refugees, *Regional Cooperative Approach to Address Refugees, Asylum Seekers and Irregular Movement*, November 2011, available at:

<http://www.unhcr.org/refworld/docid/4e92d7c32.html>

## Foreign Affairs

### APEC Trade and Investment in 2010

Australia's strong economic credentials have again been highlighted in a new report on trade and investment among APEC economies, with Australian exports outpacing imports within the Asia-Pacific region. Australia's exports to the region in 2010 grew by 17 per cent to \$209 billion, while Australia's imports grew 6 per cent to \$182 billion.

APEC accounted for 46 per cent of the world's total exports in 2010 and 56 per cent of world GDP, which shows the importance of the Asia-Pacific region in the global economy. The value of the APEC region's exports to the world increased 26 per cent to US\$8.7 trillion in 2010.

The report emphasised the importance of the Asia-Pacific region to Australia, showing APEC accounted for more than two-thirds of Australia's exports and imports.

<http://www.dfat.gov.au/media/releases/department/2011/dfat-release-20111107.html>

### APEC: Australia, 8 countries agree on Free-Trade Pact

Leaders of Australia, Brunei, Chile, Malaysia, New Zealand, Peru, Singapore, the United States and Vietnam have agreed to the outlines of a free-trade agreement called Trans-Pacific Partnership (TPP) during a meeting in Honolulu, Hawaii on Saturday.

In a joint statement, the leaders, including Australian Prime Minister Julia Gillard and U.S. President Barack Obama, said their consensus on the broad TPP outlines is a "milestone in our common vision to establish a comprehensive, next-generation regional agreement that liberalizes trade and investment and addresses new and traditional trade issues and 21st-century challenges."

"Building on this achievement and on the successful work done so far, we have committed here in Honolulu to dedicate the resources necessary to conclude this landmark agreement as rapidly as possible," said the statement posted on the website of the Office of the U.S. Trade Representative.

TPP leaders described the pact as a model for future free-trade agreements as it will enhance competitiveness, benefit some 500 million consumers, support the creation and retention of jobs, promote higher living standards and reduce poverty.

<http://au.ibtimes.com/articles/248575/20111114/apec-australia-8-countries-agree-free-trade.htm>

### **DFAT passports IT upgrade**

The Department of Foreign Affairs and Trade (DFAT) has released a request for tender (RFT) for a supplier to provide a comprehensive new system for issuing passports.

With the release of the request for tender, the Passport Redevelopment Program has reached a major milestone. It will enable the Australian Passport Office to satisfy increasing demand for Australian passports. Current projections are that there will be more than two million passport applications by 2015.

The new passport issuing system will help DFAT achieve better client service including through improvements to the online passport application process.

"The new IT system will streamline and automate several passport production processes, with online services, scanning, case management, fraud control, workflow and passport printing solutions," DFAT Chief Information Officer Tuan Dao said.

"We are also taking this opportunity to integrate DFAT's passport IT systems into DFAT's broader IT environment."

<http://www.dfat.gov.au/media/releases/department/2011/dfat-release-20110930.html>

### **A new chapter in Australia-PNG relations**

Prime Minister Julia Gillard recently welcomed the Prime Minister of Papua New Guinea, The Hon. Peter O'Neill, to Canberra for an official visit, his first since becoming Prime Minister.

Papua New Guinea is Australia's nearest neighbour, a friend and a genuine partner.

The largest Pacific Island nation, Papua New Guinea stands on the threshold of an historic opportunity to develop its significant natural resources wealth in a way that delivers lasting benefit for its people.

A new chapter in Australia-PNG relations is beginning. In discussions with Prime Minister O'Neill, the Prime Minister committed Australia to a strong and close partnership geared towards supporting Papua New Guinea through the period of change ahead.

PNG's \$15 billion ExxonMobil-led Liquefied Natural Gas project is scheduled to commence in 2014.

Australia is providing technical assistance to support the establishment of a PNG Sovereign Wealth Fund through which to invest resource revenue for the long-term benefit of all Papua New Guineans. Australia will provide additional assistance, including in economic modelling and policy advice, under the *Joint Understanding on Further Cooperation on the PNG LNG Project*.

The Prime Minister and Prime Minister O'Neill welcomed the considerable work that has been done to re-shape Australia's development cooperation program for PNG to focus strongly on education and health.

The Prime Minister was pleased to advise Prime Minister O'Neill of 20 Australia-Papua New Guinea Prime Ministers' Awards for rural students in Papua New Guinea to gain teaching qualifications.

<http://www.pm.gov.au/press-office/new-chapter-australia-png-relations>

## Human Rights

### Australia's Human Rights Awards

The Honourable Ron Merkel QC has won the 2011 Human Rights Medal.

Mr Merkel was recognised for his advocacy, often on a pro bono basis, in some of the most significant human rights cases in Australia.

He is widely recognised as one of Australia's leading public and administrative law practitioners specialising in the areas of human rights, civil liberties, the rights of Aboriginal and Torres Strait Islander peoples, migration law, equal opportunity and anti-discrimination law.

The Young People's Human Rights Medal was awarded to 19 year old Tshibanda Gracia Ngoy for her human rights work in the community.

A caseworker for refugee families, radio co-host, tutor for international students, and youth motivational speaker, Tshibanda is also a member of the Illawarra Regional Advisory Council (IRAC), the NSW Multicultural Youth Network (MYN), and Strategic Community Assistance to Refugee Families (SCARF).

<http://www.humanrights.gov.au/about/media/ebulletin/2011/december.html>

### Human Rights Commission Annual Report

The Australian Human Rights Commission's 2010-11 Annual Report has been tabled in federal Parliament.

This year's Annual Report describes the diverse range of activities undertaken by the Commission during 2010-2011 in pursuit of its statutory responsibilities and its vision of an Australian society where human rights are enjoyed by everyone, everywhere, everyday.

These activities include a range of major projects, reports and inquiries, contributions to policy development and legislative review, human rights promotion and education and regional and international activities.

One of the Commission's key functions is the investigation and conciliation of complaints of alleged discrimination in the areas of sex, race, age and disability. During 2010-2011, the Commission received 18 670 enquiries, 2 152 complaints and 47 percent of finalised complaints were resolved through conciliation. Thirty eight percent of complaints were lodged under the Disability Discrimination Act, 21 percent under the Sex Discrimination Act and 20 percent under the Racial Discrimination Act.

The Report is now available on the Commission website at:

[www.humanrights.gov.au/about/publications/annual\\_reports/2010\\_2011/index.html](http://www.humanrights.gov.au/about/publications/annual_reports/2010_2011/index.html)

[http://www.humanrights.gov.au/about/media/media\\_releases/2011/96\\_11.html](http://www.humanrights.gov.au/about/media/media_releases/2011/96_11.html)

### Removal of superannuation age cap to be applauded

Age Discrimination Commissioner, Susan Ryan, said that the recent announcement that the age bar for superannuation guarantee contributions would be lifted completely, was a significant achievement in the fight against age discrimination.

“This amendment sends a strong and positive message to older employees, and to their employers, that age should not be a barrier to employment, nor should it be a barrier to equal employee rights and entitlements,” Commissioner Ryan said.

Assistant Treasurer Bill Shorten announced that, from July 1 2013, all employees will receive the superannuation guarantee regardless of their age.

“This decision means that in respect of superannuation, older workers - be they over 75 or over 80 - will have the same rights as all other employees,” Commissioner Ryan said.

“They will have more super to retire on, the government will have a lower age pension bill, and productivity will grow as older workers are encouraged to continue in their jobs.”

[http://www.humanrights.gov.au/about/media/media\\_releases/2011/97\\_11.html](http://www.humanrights.gov.au/about/media/media_releases/2011/97_11.html)

### **Australian workplaces celebrated for women’s advancement**

Thirty Australian businesses committed to advancing women in the workplace were recognised recently at the Equal Opportunity for Women in the Workplace Agency’s Business Achievement Awards held in Sydney.

Minister for the Status of Women, Kate Ellis, said the awards were an opportunity to acknowledge Australian workplaces which are committed to improving equal opportunity for women in business.

“The EOWA 2011 Business Achievement Awards is a chance for all Australians to recognise and celebrate the contributions and progress made by such top performing organisations.”

“Women bring depth to business and decision making, and more importantly, as a result, Australian workplaces have improved profitability and governance.

“Empowering women and supporting them to achieve their potential remains a top priority for the Australian Government, and gender equality is a critical part of our efforts to improve women’s workforce participation.”

“Each and every one of the 30 finalists has demonstrated innovation and initiative for advancing women in the workplace, showcasing the very best in corporate behaviours,” Ms Ellis said.

[www.kateellis.fahcsia.gov.au/mediareleases/2011/pages/ellis\\_m\\_businessawards\\_9november2011.aspx](http://www.kateellis.fahcsia.gov.au/mediareleases/2011/pages/ellis_m_businessawards_9november2011.aspx)

### **Strengthening laws to combat online child sexual exploitation**

Countries wishing to enhance their online child protection laws will now have the opportunity, following the acceptance of a legislative global engagement strategy presented at the INTERPOL General Assembly recently.

The 80th General Assembly was held in Hanoi, Vietnam, and was attended by more than 600 delegates from 142 member countries.

Virtual Global Taskforce (VGT) Chair and AFP Assistant Commissioner Neil Gaughan said the VGT recognises that while many countries may have legislation in place, they may lack the capability to enforce this, or the training and expertise to dedicate resources to this area of criminality.

“Part of the answer to fighting online child sexual abuse lies in greater collaboration with international law enforcement partners. This cooperation is most effective when the countries have common cybercrime laws,” Assistant Commissioner Gaughan said.

“Having domestic laws consistent with international standards is a vital requirement for law enforcement agencies to be able work together across the globe. Suitable legislation assists global law enforcement partners with evidence-sharing, extradition and the prosecution of such offences while also acting as a deterrent for potential child predators.

“To address this issue, a key outcome from the 2010 VGT Conference was a shared commitment to assist and guide countries around the world that require stronger online child protection laws.”

Existing legal conventions provide all 190 INTERPOL member countries with models for drafting and updating their current laws to address legislative gaps which may exist regarding online child sexual exploitation.

For more information visit the VGT website: <http://www.virtualglobaltaskforce.com>

[www.afp.gov.au/media-centre/news/afp/2011/november/strengthening-laws-to-combat-online-child-sexual-exploitation.aspx](http://www.afp.gov.au/media-centre/news/afp/2011/november/strengthening-laws-to-combat-online-child-sexual-exploitation.aspx)

### **Funding for new research on vulnerable children**

The funding for the *National Research Agenda for Protecting Children 2011-2014* was announced at the Standing Council on Community, Housing and Disability Services recently. Academics and practitioners will have the opportunity to do more research on vulnerable children, with \$600,000 available over the next three years.

This research will help governments identify issues and priority areas for action to help protect children from child abuse and neglect, including:

- prevention
- early intervention and therapeutic responses
- out-of-home care

The research will help set the direction for future policy and service delivery for Australian families, and strengthen partnerships across the child protection sector.

The Australian Government is also working with the states and territories to develop a nationally consistent approach to planning for young people leaving out of home care.

To do this, new *National Standards for Out of Home Care* started on 1 July this year.

[www.jennymacklin.fahcsia.gov.au/mediareleases/2011/pages/jm\\_m\\_vulnerable\\_children\\_21october2011.aspx](http://www.jennymacklin.fahcsia.gov.au/mediareleases/2011/pages/jm_m_vulnerable_children_21october2011.aspx)

### **New online resource to help out-of-home carers**

Out-of-home carers across the nation will have better access to information about government and non-government support and services thanks to a new Australian Government online resource.

The online resource will improve carers' awareness of the supports and services available to them, by bringing together information on Commonwealth and state and territory government payments, supports and services and non-government services on one webpage. It will provide information for carers and make it easier for people to find what out what assistance is available to them.

The online resource is supported by information products such as brochures, magnets and posters which will be distributed to General Practitioners throughout Australia.

The Gillard Government recognises the enormous social and economic contribution carers make to our communities.

The Government is committed to making sure that carers are recognised and supported, including ensuring they are aware of the wide range of services they are eligible for. This online resource will offer carers more certainty about the services they are eligible for and provide information about who they can speak to for help and advice.

[http://www.jennymacklin.fahcsia.gov.au/mediareleases/2011/pages/jmc\\_m\\_onlineresources\\_27october2011.aspx](http://www.jennymacklin.fahcsia.gov.au/mediareleases/2011/pages/jmc_m_onlineresources_27october2011.aspx)

### **100,000 families apply for Paid Parental Leave**

The Australian Government's historic Paid Parental Leave scheme has reached a major milestone with over 100,000 parents applying for the payment since applications opened on 1 October last year.

More than 72,000 parents have either finished their payment or are receiving it right now, giving them financial support to take time off in the early months of their baby's lives.

The Government's Paid Parental Leave scheme provides eligible working parents with Parental Leave Pay for up to 18 weeks at the national minimum wage (currently about \$590 a week before tax).

Half the mothers who have so far received Paid Parental Leave earned less than \$42,000 in the year before their baby was born or adopted.

This shows how important Paid Parental Leave is for supporting women on low incomes, many of whom would not have access to paid parental leave through their employer.

[http://www.jennymacklin.fahcsia.gov.au/mediareleases/2011/pages/families\\_paid\\_parental\\_leave\\_2oct11.aspx](http://www.jennymacklin.fahcsia.gov.au/mediareleases/2011/pages/families_paid_parental_leave_2oct11.aspx)

### **Equal pay agreement for community and services workers is historic**

Sex Discrimination Commissioner, Elizabeth Broderick, said the recent announcement that the Government and the Australian Services Union will make a joint submission to Fair Work Australia, on equal pay for the community and services sector, was an historic milestone in gender equality.

Commissioner Broderick said, "This agreement will contribute to equal pay for more than 150 000 community sector workers across the country, particularly those working in health and caring service industries ... From a gender equality perspective, this is significant because the vast majority of these workers are women."

In May 2011, Fair Work Australia found that social and community services workers do not receive remuneration equal to that of employees of state and local governments who perform similar work, and that gender has been important in creating that pay gap.

"It is indisputable that the work of the community and services sector, which takes in the health and caring industries, is some of the most important in Australia," Commissioner Broderick said, "yet it has historically been among the most undervalued, primarily because it is largely undertaken by women."

[http://www.humanrights.gov.au/about/media/media\\_releases/2011/103\\_11.html](http://www.humanrights.gov.au/about/media/media_releases/2011/103_11.html)

## **Resources**

*Asylum Trends Australia: 2010-11 – Annual Publication*

Department of Immigration and Citizenship publication. You can download a copy at:

<http://www.immi.gov.au/media/publications/statistics/>

*The APEC Region — Trade and Investment, 2011*

Part of a series published by DFAT each year about Australia's international trade in goods and services.

The publication and analysis is available from the DFAT website:  
[www.dfat.gov.au/publications/stats-pubs/apec\\_region2011.html](http://www.dfat.gov.au/publications/stats-pubs/apec_region2011.html)

## **A.P.B. Education Specialist IELTS Test Training and Coaching**

Passing an IELTS test is now an essential requirement for all applicants for General Skills Migration, student visas, and for many employer sponsored applicants. Adrian Bitel provides individual lessons to assist applicants achieve proficiency to the required levels in:

- Reading
- Writing
- Speaking
- Listening

He gives comprehensive ONE to ONE Personalised Coaching in any or all of the above areas.

Contact: Adrian Bitel on (02) 9286 8700 or Mobile: 0412 656 026

### **Parish Patience Immigration**

Lawyers  
 Level 1, State Street Centre  
 338 Pitt Street  
 Sydney NSW 2000  
 Australia

Tel: +61 2 9286 8700  
 or: **1300 850 695** (within Australia)  
 Fax: +61 2 9283 3323

Email: [mail@ppilaw.com.au](mailto:mail@ppilaw.com.au)  
[www.ppilaw.com.au](http://www.ppilaw.com.au)

