PARISH PATIENCE IMMIGRATION LAWYERS

Australian Immigration Law Update **No. 72, March/April 2009**

This newsletter is primarily devoted to Overseas Students. The legislative changes affecting student visas are included as well as all the regular features.

Immigration

Managing Australia's overseas student programme

Primary responsibility for managing Australia's overseas student programme (OSP) is shared between the:

- Department of Immigration and Citizenship (DIAC)
- Australian Agency for International Development (AusAID), and
- Department of Education, Employment and Workplace Relations (DEEWR)

Check each agency's primary responsibilities at http://www.immi.gov.au/business-services/education-providers/student_program.htm

Education Services for Overseas Students (ESOS)

The Department of Education, Employment and Workplace Relations regulates the education and training sector's involvement with overseas students studying in Australia on student visas. It does this through the Education Services for Overseas Students legislative framework. This protects Australia's reputation for delivering quality education services and the interests of overseas students, by setting minimum standards and providing tuition and financial assurance.

The legislation mandates a nationally consistent approach to registering education providers so that the quality of the tuition, and care of students, remains high. The professionalism and integrity of the industry is further strengthened by the ESOS legislation's interface with immigration law. This imposes visa related reporting requirements on both students and providers

See: www.dest.gov.au/esos/default.htm

What is ACPET?

ACPET is the Australian Council for Private Education and Training - the national industry association for independent providers of post-compulsory education and training, for Australian and international students, including: Higher Education, Vocational Education and Training, English Language Courses, Senior Secondary Studies and Foundation Studies

The ACPET Mission is to: enhance quality, choice, innovation and diversity in Australian education and training for individual, national and global development.

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Work pro-actively and co-operatively with government, education and training providers, industry and community organisations, in order to ensure that vocational and higher education and training services provide choice and diversity, and well-targeted, appropriately delivered courses which are widely accessible and of high quality.

See: http://www.acpet.edu.au/

National Code of Practice

The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students is a set of nationally consistent standards that governs the protection of overseas students and delivery of courses to those students by providers registered on CRICOS - the Commonwealth Register of Institutions and Courses for Overseas Students. Only CRICOS courses can be offered to international students studying in Australia on a student visa.

The National Code is established under the Education Services for Overseas Students (ESOS) Act 2000. To become CRICOS-registered a provider must demonstrate that it complies with the requirements of the National Code. The National Code is a legislative instrument. It is legally enforceable and breaches of the National Code by providers can result in enforcement action under the ESOS Act. This includes conditions on registration, suspension or cancellation of registration.

An independent evaluation of the ESOS legislation in 2005 and subsequent consultation with States and Territories and representatives of industry and student bodies led to the National Code being substantially revised. The National Code 2007 came into force on 1 July 2007. Students now have more flexible study options and are served by a stronger appeals and complaints process. Education providers have more autonomy to manage a student's enrolment and monitor their progress.

See: http://aei.gov.au/AEI/ESOS/NationalCodeOfPractice2007/Default.htm

CRICOS

The ESOS Act requires providers of courses to international students to register their institution and the courses they offer with the Australian Government Department of Education, Employment and Workplace Relations (DEEWR) through the Victorian Registration and Qualifications Authority (VRQA). This register is called the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS).

If you wish to study in Australia you **must** have a valid student visa. The Australian Government issues student visas for full-time study on the understanding that you study on-campus and have sufficient funds to cover your tuition fees and living expenses for the duration of your time in Australia.

Visa applications - Here are some items you need to check:

- Your country assessment level
- The visa subclass or education subclass that is relevant in your case, and
- Any other requirements, such as financial and health issues.

For more information check: http://www.monash.edu.au/international/ausgov/

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Australian Scholarships

Australian Scholarships aim to promote sustainable development and excellence in education. Scholarships help build mutual understanding between Australia and its Asia-Pacific partners.

Australian Scholarships offer educational and professional development awards to citizens of the Asia-Pacific region. These opportunities support growth in our region and build enduring links at the individual, institutional and country levels. Awards are available to high achievers from participating countries, as well as for Australians wishing to study overseas.

See: http://www.australianscholarships.gov.au

Search for a course

Your right to access a quality education is protected by Australian Government legislation. All Australian education institutions that enrol international students must be registered with the Australian Government and meet high standards of quality and ethical practice. These standards relate to curriculum, qualifications of teaching staff, facilities and specialist equipment. You can also be confident that the fees you pay for your course are protected.

To start your journey to Australia, search Study Wizard for a course or institution. Note: The English Language Training sector only offers courses in the English Language field. The School sector only offers courses in the education field.

See: http://www.studyinaustralia.gov.au/Sia/en/CourseSearch/CourseSearch.htm

Overseas students - study in Australia

Prospective students should check the Study in Australia web site which aims to promote the Australian education and training industry to the world by providing free impartial advice on the benefits of studying in Australia.

See: http://www.australia.gov.au/Overseas_Students

International Education

Key Government websites

- Study in Australia - This Australian Government website provides information for intending international students; including a course search, and a step by step guide to getting a student visa.
- AusLIST - AusLIST is an online directory of Australian education and training providers around the world, the Australian courses they deliver offshore, and the locations where those courses are delivered.

DEEWR 2009 International Education Roundtable

On 16 March representatives from the international education industry and government came together for the DEEWR 2009 International Education Roundtable. The day allowed delegates to explore the challenges and opportunities ahead for international education. Presenters on the day included

United Nations

International Women's Day

Indigenous women at UN

Foreign Affairs

Our links with Asia

Funds for Human Rights

Rudd's plans for Asia

Australia and Korea

Resources

IELTS scores explained

APB Education

Speeches worth noting

Best Lawyers in Australia

Overseas consultation

Quote of the month

the Deputy Prime Minister, the Hon Julia Gillard MP, Chris Richardson from Access Economics and DEEWR's senior executive and offshore counsellors. The Minister's speech can be accessed on the DEEWR website.

www.deewr.gov.au/Ministers/Gillard/Media/Speeches/Pages/Article_090316_124529.aspx

Overseas students pass record number

Record numbers of international students enrolled in Australian institutions last year, with the total breaching half a million for the first time. Statistics made public last month by the Education Minister, Julia Gillard, show international enrolments grew by 20 per cent to 543,898 students last year, the largest increase since 2002. Most international students attended universities and TAFE.

The jump reflected Australia's strong reputation in the region, Ms Gillard said. Enrolments by Asian students surged by 21.5 per cent, with the largest group hailing from China. "The increase in student enrolments from Asia is recognition of Australia's ongoing relationship with our Asian neighbours and the strong awareness of Australia as a quality education destination around the world," Ms Gillard said.

The financial crisis had not yet been felt and numbers may not decline for two or three years as previously enrolled students completed their courses, she said, adding that several institutions had reported continuing strong interest from international students. The value of international students to the economy in the financial year to June 30, 2008, trailed only coal and iron ore exports, with the sector raking in $14.2 billion.

See: http://www.smh.com.au/national/overseas-students-pass-record-number-20090226-8j9s.html

International student numbers for 2008

Following the recent release of international student enrolment and commencement data for 2008, this latest snapshot provides a summary of actual student numbers by education sector and by the top ten source nationalities.

https://aei.gov.au/AEI/PublicationsAndResearch/Snapshots/Default

AEI International Student Data YTD January 2009

AEI has released the year-to-date January 2009 statistics on international students studying in Australia on student visas. AEI's latest data show that across all education sectors, international student enrolments in Australia have grown 21.4 per cent.

http://aei.gov.au/AEI/MIP/Statistics/StudentEnrolmentAndVisaStatistics/2009/Default.htm

Indian students prefer UWA

The number of Indian Students enrolling at The University of Western Australia has soared in the last four years, from four enrolments in 2005 to 250 in 2009. UWA's Director of South Asia Relations, Professor Hema Sharda, said awareness of UWA, affordability and closeness to home were some of the reasons why the

University was increasingly popular with Indian students.

See: http://www.edna.edu.au/edna/go/international_education.html

Visa assessment levels

A record number of more than 278,000 student visas were granted in the 2007-08 program year. This represents more than 21 per cent growth in the student visa program in one year.

The department considers each of these student visa applications on their individual merits. Assessment Levels (ALs) streamline this process, allowing the department to deliver fast and efficient service to our clients while maintaining the integrity of Australia's immigration program.

Transparency in visa requirements and consistent decisions are a pivotal part of the student visa program. In 2007-08, visas were granted to students from over 190 different countries. Currently four different levels apply, and each country is assessed against various risk factors in assessing which level to apply for each visa subclass. The assessment levels are reviewed from time to time. Different rules apply depending on which assessment level is in effect.

For more information on assessment levels check:
http://www.immi.gov.au/students/student-visa-assessment-levels.htm

Analysis of IELTS test data

Each year, multiple versions of each of the six IELTS modules (Listening, Academic Reading, General Training Reading, Academic Writing, General Training Writing, and Speaking) are released for use by centres testing IELTS candidates. Reliability estimates for the objectively and subjectively scored modules used in 2007 are reported at the following website.

For Test-taker performance 2007 see:
http://www.ielts.org/teachers_and_researchers/analysis_of_test_data.aspx

Education providers' roles and responsibilities

Reporting breaches of attendance and course progress

Education providers are required to report students failing to comply with the attendance or course progress of their visa to the department via the Provider Registration and International Student Management System (PRISMS) system. Note: For advice on using PRISMS, contact the PRISMS Help Line at the Department of Education, Employment and Workplace Relations (DEEWR).

Education providers must report students who:

- do not achieve satisfactory attendance
- withdraw from a course
- do not maintain satisfactory course progress.

See: http://www.immi.gov.au/business-services/education-providers/roles_responsibilities.htm

Confirmation of enrolments

The department is making changes to its systems that will expand the number of Confirmation of Enrolments (CoEs) that are able to be attached to a student visa application.

Previously, departmental systems were limited to attaching three CoEs to a student's visa application. For applications lodged on or after 26 October 2008, the systems are able to process up to nine CoEs per visa application. This change provides more clients with the opportunity to lodge applications electronically through eVisa. Clients and other users of the department's eVisa system, will notice a slight change in the way eCoEs are entered on eVisa to reflect this expanded functionality.

See: http://www.immi.gov.au/students/expansion-coe.htm

More information for students

Prospective students may also wish to obtain information on the following topics:

- Bringing Family
- Working While Studying
- Visa Conditions
- Extending Your Stay
- Changing Courses or Education Providers
- Visa Application Document Checklists
- Student Visa English Language Requirements

For information on the above see: http://www.immi.gov.au/students/student-information.htm

Legislation Changes

Effective 15 March 2009

- Amendments to clarify pre-arrival reporting requirements on operators of aircraft and ships, and also to provide for an infringement notice regime as an alternative to prosecution under subsection 245N(2); and amendments to enforcement visas.

- Amendments to status of non-citizen children born in Australia which provide greater certainty as to when non-citizen children born in Australia are immigration cleared. In effect, the amendments provide that a non-citizen child born in Australia is 'immigration cleared' if at the time of birth, a parent of the child was immigration cleared on his or her last entry into Australia.

- Amendments to the taking of securities. Securities are sometimes taken to promote compliance with the conditions that will be attached to the visa. The amendments clearly authorise an officer to exercise the power to require and take a security before a visa is granted. Where the visa is subsequently not granted, the security will be returned.

- Amendments relating to bridging visas. The amendments ensure that the statutory restrictions on certain persons making further visa applications in Australia (for example, in the migration zone) cannot be circumvented by a person leaving Australian and re-entering on a bridging visa. In effect, the amendments provide that a non-citizen (who while holding a bridging visa,

leaves and re-enters Australia) is taken to have been continuously in Australia despite that travel, effectively extending the bar on the lodgement of an onshore application in such situations.

- Amendments to the *Migration Regulations 1994* in relation to a new infringement notice regime, as an alternative to prosecution under subsection 245N(2) of the *Migration Act 1958*

- Amendments to the *Immigration (Guardianship of Children) Act 1946* to remove discrimination against same-sex de facto couples and their children

- Amendments to the *Australian Citizenship Act 2007* to remove discrimination against same-sex de facto couples and their children

- Migration Legislation Amendment Act (No. 1) 2009

  The Act is amended by the Amending Act to:

  - clarify that the Migration Review Tribunal and the Refugee Review Tribunal may invite either orally (including by telephone) or in writing, review applicants or third parties to give information;

  - reinstate effective and uniform time limits for applying for judicial review of a migration decision in the Federal Magistrates Court, Federal Court and High Court; and

  - limit appeals against judgments by the Federal Magistrates Court and the Federal Court that make an order or refuse to make an order to extend time to apply for judicial review of migration decisions. The amendments relating to merits review apply to decisions made by the Migration Review Tribunal and the Refugee Review Tribunal on or after 15 March 2009. The amendments relating to time limits apply to applications to the Federal Magistrates Court, Federal Court and High Court for remedy to be granted in exercise of those courts' original jurisdiction made on or after 15 March 2009. However, if an application relates to a migration decision made before 15 March 2009, then the date of the migration decision will be treated as 15 March 2009. The amendments relating to limitation on appeals applies to judgments made on or after 15 March 2009 that make an order, or refuse to make an order to extend time for applying for judicial review of a migration decision. In summary, the initial time limit is now 35 days. Note however, bridging A visas cease 28 days after decision.

- Amendments to the Australian Citizenship Act 2007

  The *Australian Citizenship Act 2007* ('the Citizenship Act') is amended in relation to applications made after 15 March 2009 to:

  - Amend provisions significantly relating to stateless persons;

  - Provide that only persons who are aged 18 years or over must meet the good character requirement to be eligible for citizenship by conferral; and

  - Make technical amendments to replace the term '3 months' with '90 days' to clarify the requisite time period, given months vary in length.

See: http://www.immi.gov.au/legislation/amendments/ and http://www.immi.gov.au/legislation/amendments/2009/090315/lc15032009-02.htm

Recent court cases of interest to students

Federal Magistrates Court of Australia

Choi v Minister for Immigration & Anor [2008] FMCA 1717 (12 December 2008)

MRT decision – cancellation of temporary visa – failure to provide details in visa application – failure to disclose previous names – notice of intention to consider – service by post to last residential or business address – delegate correctly made decision on non-compliance before giving notice – whether requirements concerning notice are preconditions to Tribunal's decision on review of cancellation – no defect in notice or its service established – application dismissed.

Khan v Minister for Immigration & Anor [2008] FMCA 1663 (18 December 2008)

Review of Migration Review Tribunal decision – student visa – refusal – deemed receipt of documents pursuant to s.160(1) of the Evidence Act 1995 does not amount to the actual notification required by s.477(1) of the Migration Act 1958 ("Act") – where ss.379A and 379C of the Act apply they provide a statutory fiction that a document has been received and when it was received to the exclusion of consideration of when and whether it was actually received – an application fee does not accompany an application if the relevant credit card transaction is declined – it is for the applicant to remedy the deficiency and make payment – the Tribunal is not obliged to pursue the payment – application not valid because credit card transaction declined and thus the application fee was not paid.

Chen v Minister for Immigration & Anor [2008] FMCA 1194 (29 August 2008)

Application to review decision of Migration Review Tribunal – student visa – alleged non-compliance with conditions – whether exceptional circumstances on grounds of illness and personal reasons – whether jurisdictional error.

Alkhtib v Minister for Immigration & Anor [2008] FMCA 1256 (27 August 2008)

Review of Migration Review Tribunal decision – student visa – where applicant's evidence of financial situation did not meet requirement that funds be held for at least three months before date of application – where shortfall erroneously calculated by the Tribunal – no error of law.

Kim v Minister for Immigration & Anor [2008] FMCA 1577 (27 November 2008)

MRT decision – refusal of on-shore student visa application – applicant previously studied in Australia as dependent of business visa holder – subject to 'assessment level' preclusion on grant of visa – Minister's power to grant visa for 'exceptional reasons' – relevant considerations not confined – Tribunal considered the hardships raised by applicant – jurisdictional error not established – application dismissed.

Cao v Minister for Immigration & Anor [2009] FMCA 70 (10 February

2009)

Review of Migration Review Tribunal decision – student visa – refusal – application to Tribunal filed out of time – Tribunal had no jurisdiction to entertain the application – in his notification of visa refusal and review rights the Minister is not required to qualify his advice concerning the time period within which an appeal can be lodged with the Tribunal to account for the possibility that, if sent by prepaid post, the notification might not have been posted within three working days of the date of the document and thus the notification might not be deemed to have been received on the relevant date prescribed by s.494C(4) – Tribunal bound by common law rules of procedural fairness when considering whether it has jurisdiction in a matter.

Isahak v Minister for Immigration & Anor [2008] FMCA 613 (13 June 2008)

Migration Review Tribunal – student visa – alleged non-compliance with conditions – condition concerning contact hours whether exceptional circumstances on grounds of illness – medical certificates – whether Tribunal obliged to rely on medical reports where medical certificate completed without examination or after significant delay - whether failure to consider relevant consideration – condition concerning academic results certified by education provider – whether enforceable duty on education provider to provide certificate – whether condition capable of breach by visa holder – whether jurisdictional error.

Wang v Minister for Immigration & Anor [2008] FMCA 1423 (17 October 2008)

Student (Temporary) (Class TU) visa – Migration Review Tribunal – where Tribunal found it had no jurisdiction.

Kwan v Minister for Immigration & Anor [2008] FMCA 1210 (19 September 2008)

Student (Temporary (Class TU) visa cancelled – test whether Tribunal satisfied that non–compliance was not due to exceptional circumstances beyond the applicant's control.

Chen v Minister for Immigration & Anor [2008] FMCA 1661 (27 November 2008)

Student (Temporary)(Class TU) visa – Migration Review Tribunal – application for review of decision of MRT that the applicant's application for review of the delegate's decision was ineligible for review – where application was lodged out of time – mistake by migration agent – no reviewable error.

Federal Court of Australia

Shrestha v Minister for Immigration and Citizenship [2008] FCA 1296 (21 August 2008)

This case deals with the issue of financial sponsor requirements for student visas. Appeal dismissed.

Migration Review Tribunal of Australia

MRT Case No. 071782612
Applicant: Ms Assy Kante

Decision: The Tribunal affirms the decision not to grant the applicant a Student (Temporary) (Class TU) visa.

This case deals with the vexed issue of the meaning of the requirement that a student applicant onshore have an IELTS test taken no more than two years before the date of application. It affects a large number of students. There have been conflicting interpretations on this with recent decision requiring the test be taken before the date of application. The issue is awaiting judicial determination from the Federal Magistrates Court

MRT Case No. 0800239
Applicant: Mr Abulizi Alimujiang

Decision: The Tribunal affirms the decision not to grant the applicant a Student (Temporary) (Class TU) visa.

This case deals with the same issue and looks at an alternative to the IELTS test contained in the Regulations, which in this case was not met either.

MRT Case No. 0803168
Applicant: Mr Hong Sheng Thong

Decision: The Tribunal affirms the decision not to grant the applicant a Student (Temporary) (Class TU) visa.

This case deals with another common problem of the need to apply for a further student visa before the last visa expires or within 28 days of it expiring and this period can not be extended at all unless the Minister agrees to do so following an appeal under Section 351 of the Act.

MRT Case No. 0806008
Applicant: Ms Manja Schmidt

Decision: The Tribunal sets aside the decision under review and substitutes a decision not to cancel the applicant's Subclass 573 Higher Education Sector Visa.

MRT Case No. 0805928
Applicant: Ms Sau Wan Tse

Decision: The Tribunal sets aside the decision under review and substitutes a decision not to cancel the applicant's Subclass 572 (Vocational Education and Training Sector) visa.

MRT Case No. 0804979
Applicant: Mr Qiu Zhong Zhang

Decision: The Tribunal sets aside the decision under review and substitutes a decision not to cancel the applicant's Subclass 573 Higher Education Sector visa.

This is another case about cancellation and deals with the issue of the validity of the Regulation itself, an issue the subject of pending decision of the Federal Court in Brar's case referred to in this decision.

MRT Case No. 071852760
Applicant: Ms Khaldie El Haje

Decision: The Tribunal remits the application for a Student (Temporary) (Class TU) visa for reconsideration, with the direction that the applicant meets the following criteria for a Subclass 572 Vocational Education and Training Sector visa: cl.572.223 of Schedule 2 to the Regulations.

Here the issue is about the financial sponsor's documents meeting the requirements.

MRT Case No. 071862527
Applicant: Mr Nitish

Decision: The Tribunal remits the application for a Student (Temporary) (Class TU) visa for reconsideration, with the direction that the applicant meets the following criteria for a Subclass 572 Vocational Education and Training Sector visa: cl.572.223(2)(a)(i)(B) of Schedule 2 to the Regulations.

Same issue as above case.

MRT Case No. 0807065
Applicant: Mr Amer Muhammad

Decision: The Tribunal remits the application for a Student (Temporary) (Class TU) visa for reconsideration, with the direction that the applicant meets the following criteria for a Subclass 572 Vocational Education and Training Sector visa: cl.572.222 of Schedule 2 to the Regulations.

Multicultural Affairs

Australia celebrates Harmony Day 2009

Australians of all backgrounds celebrated the diversity of the nation's cultural heritage on Harmony Day, March 21.

The Minister for Immigration and Citizenship, Senator Chris Evans, said: 'Harmony Day is an opportunity to celebrate the cohesiveness of Australia's communities and promote the benefits of a multicultural society. This year is particularly significant as it marks 60 years of Australian citizenship which is the unifying force behind our varied ethnic, religious and linguistic heritage. It is an opportunity for all Australians to understand the role citizenship plays in building a strong and unified nation.'

http://www.minister.immi.gov.au/media/media-releases/2009/ce09032.htm

India's colourful harvest celebrations

The Parliamentary Secretary for Multicultural Affairs and Settlement Services, Laurie Ferguson, extended his best wishes to Australians and visitors alike who

celebrated the Hindu harvest festival Holi Mahotsav. Holi is one of the most important and popular Indian Hindu festivals. Mr Ferguson also took the opportunity to urge all Australians to extend a warm welcome to the many students from India who choose to study in Australia. 'According to the 2006 Census, there are 234 720 Australians with Indian ancestry, while in 2008, we welcomed some 63 000 Indian students to our universities,' Mr Ferguson said.

http://www.minister.immi.gov.au/parlsec/media/media-releases/2009/lf09010.htm

Australians celebrate *Norouz*

The Middle Eastern New Year Festival of *Norouz*, or 'new day', has been celebrated to mark the coming of spring on March 21 for more than 3000 years. The festival, which signifies the evolution of a new path in life, is also a holy day. The Parliamentary Secretary for Multicultural Affairs Laurie Ferguson said this year's *Norouz* festival is particularly significant as it coincides with the 10th anniversary of Harmony Day. 'It is thus particularly apt that Harmony Day is about community participation, inclusiveness and a sense of belonging for everyone,' Mr Ferguson said.

http://www.minister.immi.gov.au/parlsec/media/media-releases/2009/lf09014.htm

Education

Education revolution

Julia Gillard has unveiled the biggest overhaul of higher education in 20 years in an effort to encourage more people to attend university by 2025. Ms Gillard's primary goal is an additional 300,000 people starting university and about 200,000 graduates by 2025. She wants 40 per cent of all people aged 25 to 34 to hold a bachelor's degree or higher.

"Budgetary constraints will affect the immediacy of our response," Ms Gillard told the inaugural Universities Australia conference in Canberra. "We can't implement it all today or tomorrow. What we can do is get the settings right for the longer term so our students and our universities can decide their role in Australia's future without political interference."

See: http://www.smh.com.au/national/gillard-planning-to-raise-the-bar-a-degree-higher-20090304-8ol7.html

Birth of a national system

Employer frustration with inconsistencies between the states in delivering vocational education and training, and a belief they have been blocking reform, provided the impetus for national regulation of the system. Three women on the board of Skills Australia, the independent statutory body that advises the Federal Government, had pushed for national regulation of the two sectors. They were influential in persuading the Minister for Education, Julia Gillard, to move in that direction.

The ACTU president, Sharan Burrow, applauded the minister's announcement, saying it presented an "insightful case" for why vocational education and training was so important to the economy and why it should be directed by industry and remain a separate partner with universities.

See:
http://www.smh.com.au/national/birth-of-a-national-system-20090305-8q1t.html

New career path from cradle to grave

The Federal Government is taking greater control of vocational training as part of its overhaul of higher education. The Minister for Education, Julia Gillard, has announced that the Government would remove barriers between university and vocational education to allow cradle-to-grave learning.

Workers being retrained would move seamlessly between university and vocational education to drive the national economic recovery, she said. Campuses providing side-by-side education systems would be encouraged. Ms Gillard said a new body, the Australian Qualifications Framework Council, would build links between university and vocational training sectors. It would expand the role of Skills Australia and improve TAFE retention rates.

See: http://www.smh.com.au/national/gillard-chalks-a-career-path-from-cradle-to-grave-20090305-8q1r.html

Research, teaching funds paid for services

Voluntary student unionism must be overturned immediately to free up money diverted from teaching and research. The chief executive of Universities Australia Professor Richard Larkins said the decision of the Howard government to abolish compulsory fees was "outrageous" and the worst example of government intervention into university autonomy he had seen. "It directly impaired our ability to deliver quality education and research," the vice-chancellor of Monash University and the head of the group representing 38 universities said recently at the National Press Club in Canberra. "We had to use money [set aside] for research and teaching and use it to support the student experience on campus."

The Education Minister, Julia Gillard, promised to end the micro-management of universities. She said a new "student-focused" system of higher education would get politicians out of universities and students into them.

See: http://www.smh.com.au/national/research-teaching-funds-paid-for-services-20090304-8ola.html

Chancellor sounds warning

John Dowd, chancellor of Southern Cross University, said a new national regulator of universities was little understood. The regulator will accredit higher education providers, carry out audits of standards and performance, and oversee current regulatory arrangement. An independent body appointed by the Federal Government, it would take over present regulatory controls from the states and territories.

Mr Dowd said universities with multimillion-dollar endowment funds should be nervous, because they could no longer guarantee the future of their institution to donors. "Any university can be deregistered at any time," he said. "This body usurps the power of the federal and state governments. "I will be surprised if each of the universities allows the state to hand over power.

http://www.smh.com.au/national/chancellor-sounds-warning-regulator-will-be-a-hard-sell-20090304-8ol8.html

Not enough academics

The Federal Government's plan to overhaul universities is threatened by a shortage of senior academics. Vice-chancellors have told the Education Minister, Julia Gillard, in private meetings that a target of teaching an extra 330,000 students by 2020 would require thousands more academics and a multibillion-dollar building program.

It is interesting to note though that the occupations of University Professor, Lecturer and Tutor are not on the Skilled Occupation List, thereby preventing academics from overseas from applying for general skilled migration. This omission needs to be reconsidered.

See: http://www.smh.com.au/national/not-enough-academics-to-fulfil-uni-plan-20090227-8k9c.html

United Nations

International Women's Day

Australia will provide more than $17 million to the United Nations Development Fund for Women (UNIFEM) as part of our international commitment to advancing greater equality between men and women. This year's International Women's Day theme was 'Unite to end violence against women'. While the women of the world have much to celebrate this International Women's Day, much remains to be done to achieve equality between men and women.

See: http://www.ausaid.gov.au/media/release.cfm?BC=Media&ID=2776_6441_7708_4295_984

New York Premiere at the UN

On 4 March 2009 a historic occasion took place in New York City that marked the first time that Indigenous women from Australia presented at the UN Commission on the Status of Women.

See: http://www.humanrights.gov.au/about/media/media_releases/2009/8_09.html

Foreign Affairs

Our links with Asia

Minister for Trade Simon Crean has launched a new index that measures our engagement with Asia over the past two decades. The index found that since 1990 our engagement with Asia has increased four times. "This index is proof positive that our future lies in the Asian region," Mr Crean said.

See: http://www.trademinister.gov.au/releases/2009/sc_010.html

Australia provides funds for Human Rights

Australian Minister for Foreign Affairs Stephen Smith announced that the Australian Government will provide $1.9 million to the United Nations Office of the

High Commissioner for Human Rights to promote and protect human rights in the Asia-Pacific region. Australia recognises the substantial contribution the UN High Commissioner, Navanethem Pillay, and her office makes in promoting and protecting human rights.

See: http://www.foreignminister.gov.au/releases/2009/fa-s022_09.html

Meltdown hampers Rudd's plans for Asia

The global financial crisis was making it more difficult to get leaders' attention for a proposal by the Prime Minister, Kevin Rudd, for a new Asia-Pacific community and could put it on the backburner, his special envoy, Richard Woolcott said during a recent visit to Washington. The former ambassador said there was "enthusiasm" for the idea of a broader body for the region which would deal with economic, political and strategic concerns in the manner of the European Union.

See: http://www.smh.com.au/world/meltdown-hampers-rudds-plans-for-asia-20090225-8i08.html

Australia and Korea

The Minister for Trade, Simon Crean, welcomed the announcement by the Prime Minister and the President of the Republic of Korea, Lee Myung-bak, that Australia and Korea had agreed to launch bilateral free trade agreement (FTA) negotiations. The successful conclusion of an FTA with Korea, will ensure that Australia can open up new job opportunities and further develop our strengthening trade relationship with the region - that is vital to our future economic prosperity, Mr Crean said.

See: http://www.trademinister.gov.au/releases/2009/sc_019.html

Resources

IELTS Scores Explained DVD

A new DVD, *IELTS Scores Explained*, is now available. This DVD provides information on what the IELTS band scores actually mean. The DVD contains general information about IELTS as well as a detailed description of the content of the test.

IELTS Australia, GPO Box 2006, Canberra ACT 2601.

See:
http://www.ielts.org/general_pages/media_centre/ielts_scores_explained_dvd.aspx

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Speeches worth noting

The Hon Julia Gillard MP
Deputy Prime Minister, Minister for Education, Minister for Employment and Workplace Relations

Speech delivered at the Australian Council for Private Education and Training (ACPET) 2008 National Conference, Hobart, 29 August 2008

Best Lawyers in Australia

Following the 2009 publication of Best Lawyers in Australia, Managing Partner David Bitel received the following letter from the senior editor:

'I would like to congratulate you on having been selected by your peers for inclusion in the second edition of the *Best Lawyers* list for Australia in the specialty of Immigration.

Selection to *Best Lawyers* is based on an exhaustive and rigorous peer-review survey comprising more than 66,000 confidential evaluations by 335 top attorneys in Australia. Because no fee or purchase is required, being listed in *Best Lawyers* is considered a singular honor.'

Overseas Consultation

Our professionals make regular trips overseas. We are able to advise applicants for all categories of migration to Australia as well as student visas. Applicants for most categories must have English language fluency and need to be under 45 years of age, unless sponsored by relatives.

David Bitel will visit **Bangladesh** from **May 31** to **June 7** to consult with clients. He will also visit **Bangkok** for an **ICJ Conference** from **June 9** to **June 11**. He will visit **India (Punjab and Gujarat)** in late **July**.

Prospective applicants who want to make an appointment should ring telephone +61 2 9286 8700 or 1300 850 695 from within Australia. A consultation fee will apply.

Quote of the month

Our challenge in life is to do

the best we can,

with what we have,

for as long as we are able