

The March/April newsletter details the far reaching Baird Review of services for overseas students with the consequent changes to the skills in demand, assessment levels for both students and the skilled worker programs, and visa changes.

## Baird Report on International Students

The much anticipated Baird Review into the legislation which governs international education in Australia - the Education Services for Overseas Students (ESOS) Act 2000 - was released Tuesday 10 March. It was commissioned by Education Minister Julia Gillard and developed over six months by former MP Bruce Baird.

The report, called *Stronger, Simpler, Smarter ESOS: Supporting International Students* recommends improved regulation of Australia's international student sector, support for international students and consumer protection mechanisms. The government supports recommendations to amend the ESOS Act to increase the standard for education providers and restrict unethical student recruitment practices. Among the recommendations are:

### Recommendations

- That the Migration Act 1958 be amended to add flexibility to the current visa cancellation requirements for students failing to maintain satisfactory course progress
- That ESOS be amended to:
  - Require providers to uphold the integrity of the student visa program and maintain appropriate support, English language entry levels and professional outcomes
  - Only allow providers to maintain registration if they meet a series of thresholds
  - Introduce financial penalties and clear standards
  - Require an independent complaints body
  - Ensure students can accurately compare potential study choices
  - Introduce financial penalties for providers whose offshore agents act unethically
  - Implement a unique identifier for each student.

### Findings

The report also offered a series of findings, separate from its recommendations, designed to enhance Australia's education reputation and support students by:

- Researching the causes and frequency of violence against international students

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- Changing the skilled migration program settings to remove bias
- Focusing on higher skilled qualifications in the VET and higher education sectors
- Grandfathering future changes to skilled migration policy for students and recent graduates

Read the full report on:

<http://mia.org.au/latest-news/Baird-Review-Released-616.html>

## ACT Skills in Demand List – Effective 01 April 2010

The Australian Capital Territory has updated its Skills Demand List (SDL) of occupations identified as "in demand". This following update will not affect sponsorship applications that have been lodged with the ACT Government before 01 April 2010 or clients whose CVs have been verified for consideration before 01 April 2010. The numbers listed correspond to the Australian Standard Classification of Occupations (ASCO) unit groups.

The following occupations have been closed and will not be considered for ACT Government sponsorship after 01 April 2010:

- 2294 - Business and Organisation Analyst;
- 2221 - Marketing and Advertising Professionals;
- 2533 - Designer and Illustrators;
- 2422 - Teacher VET.

The following occupation has been limited; ACT Government sponsorship will be restricted:

- 3421 - Welfare Associate professionals.

The following occupations have been removed from the ACT SDL Baseline and added to the ACT SDL Quota, meaning these occupations must now be verified before an application for sponsorship is lodged (the proficient English criteria now applies to these occupations):

- 2231-11 - Systems Manager;
- 2231-13 - Systems Designer;
- 2231-15 - Software Designer;
- 2231-17 - Applications and Analyst Programmer;
- 2231-19 - Systems Programmer;
- 2231-21- Computer Systems Auditor;
- 2211 - Accountant;
- 2212 - Accountant – External Auditor;
- 4931 - Hairdresser.

For further information see: [www.mia.org.au](http://www.mia.org.au) or contact [Jack Li](mailto:Jack.Li@ppilaw.com.au) in our office on [jl@ppilaw.com.au](mailto:jl@ppilaw.com.au)

## Streamlining postgraduate research sector student visa applications

From 27 March 2010, the Assessment Levels for international students seeking to apply for a Postgraduate Research (Subclass 574) Student visa, to obtain a Doctoral or Masters by Research degree, have been reduced as follows:

[6000 student visas restored](#)

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- Countries previously listed at Assessment Level 3 or 4 will move to Assessment Level 2;
- Countries previously listed at Assessment Level 1 will remain at this level;
- Countries previously listed at Assessment Level 2, which are not mentioned below, will remain at this level;
- The following passport countries previously listed at Assessment Level 2 will move to Assessment Level 1:
  - Bulgaria
  - Costa Rica
  - East Timor
  - Guam
  - Israel
  - Jordan
  - Laos
  - Maldives
  - Northern Mariana Islands
  - Solomon Islands
  - Tonga
  - Turkey
  - Uruguay
  - Vanuatu

Assessment Level 1 countries (including those countries listed above) will be eligible to make their initial and subsequent Student visa applications using eVisa, and if in Australia on other temporary visas can apply in Australia.

Further information on applying for a Student visa is available on the Department's website: <http://www.immi.gov.au/students/>

## Overseas Student Program - Assessment Levels

The Department of Immigration has released a table of the current Assessment Levels for all passports and education sectors in Australia's Student Visa Program (SVP). These Assessment Levels came into effect on 27 March 2010 and apply to student visa applications made on or after this date.

### Visa subclass/Education Sector

There are a number of different types of student visas. The following subclasses are based on the education sector of your main course of study (the principal course):

- 570 – Independent ELICOS
- 571 – Schools
- 572 – Vocational Education and Training
- 573 – Higher Education
- 574 – Postgraduate Research
- 575 – Non-Award
- 576 – AusAID or Defence

### Passports NOT listed in the table

#### Default Assessment Level 2:

All students sponsored by AusAID or Defence seeking Subclass 576 (AusAID or Defence Sector) visas are Assessment Level 2.

[Illegal workers in Brisbane](#)

### Legislative Changes

[Berenguel v MIAC](#)

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Students holding a passport which is not listed in the table, with a main course of study (their principal course) in the subclass 574 (Postgraduate Research) sector are Assessment Level 2.

### **Default Assessment Level 3:**

Students holding a passport which is not listed in the table, with a main course of study (their principal course) in the following education sectors are Assessment Level 3:

- 570 – Independent ELICOS
- 571 – Schools
- 572 – Vocational Education and Training
- 573 – Higher Education
- 575 – Non-Award

You can access the table Student Visa Processing Assessment Levels at: [www.immi.gov.au/allforms/pdf/assessment-levels.pdf](http://www.immi.gov.au/allforms/pdf/assessment-levels.pdf)

### **Course packaging**

If you intend on packaging courses, you will be assessed under the visa subclass applicable to your main course of study (the principal course) indicated on the application, and at the highest Assessment Level of the courses in your nominated package.

For more information on course packaging, refer to information sheet Applying for a student visa at [www.immi.gov.au/allforms/](http://www.immi.gov.au/allforms/)

Your Student visa application will be assessed according to your highest Assessment Level. The lowest Assessment Level being Assessment Level 1 and the highest Assessment Level 5. The passport you hold and the education sector of your course will determine the appropriate Assessment Level for your visa application.

To identify the Assessment Level for your visa application, match your passport type with the visa subclass for the education sector/s of your course/s. The table Student Visa Processing Assessment Levels on the DIAC website lists passport countries in alphabetical order, and the visa subclasses/education sectors.

### **Applying for a Student visa**

Use the Student (Temporary) (Class TU) visa form if you intend to apply for a Student visa in Australia or if eligible apply online. You must identify your highest Assessment Level before you can proceed with your student visa application.

Refer to information sheet Applying for a student visa, or the Department of Immigration and Citizenship website [www.immi.gov.au/students](http://www.immi.gov.au/students) for more information about applying for a student visa, or contact [Diana Tong](#) in our office for more information.

### **ESOS Amendment Act**

The re-registration of all providers, currently registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) by 31 December 2010, is a part of the Education Services for Overseas Students Amendment (Re-registration of Providers and Other Measures) Act 2010 that was passed by the Parliament on 22 February 2010 and received Royal Assent on 3 March 2010. The Act will take effect immediately.

[Speeches](#)

[Reports](#)

[Dates](#)

[APB Education](#)

Both the Australian Government and states and territories have finalised a nationally consistent risk managed approach to re-registration as required in the legislation.

### **Senate Inquiry into International Student Welfare released**

In response to the recent attacks on Indian students in Sydney and Melbourne this Senate inquiry looked into the roles and responsibilities of education providers, migration and education agents, state and federal governments, and relevant departments and embassies, in ensuring the quality and adequacy in information, advice, service delivery and support for international students. See Report at the Parliament of Australia website.

### **New visa measures to assist international students from 1 January 2010**

To further enhance integrity measures for the student visa program and ensure that international students have adequate financial arrangements for their study in Australia, the Government has introduced a Visa Application Charge (VAC) exemption for students affected by a provider default, and increasing the minimum financial requirements for international students from \$12 000 to \$18 000 to more accurately reflect the cost of living in Australia.

For more information on the above three news items, see also: <http://www.aei.gov.au/Aei/Default.aspx>

### **6000 student visas restored after legal glitch – Hossain's case**

As many as 6000 foreign students had their visas cancelled invalidly because two words were lacking in the maze of laws and regulations that control their lives.

The Immigration Department said it was taking steps to identify all students affected by a March 2 court ruling on this technicality.

The Federal Court agreed with two ex-students that there was a small but crucial element missing from the legal machinery for automatic cancellation of the visas of underperforming foreign students. Drafters of a regulation had left out the words "and s20(1)".

The litigation concerned the Education Services for Overseas Students Act, for which former MP Bruce Baird has proposed reforms including a "more flexible approach" to visa cancellation under the Migration Act.

The court ruling by Justice Robert Buchanan meant that "about 6000" automatic visa cancellations between July 2007 and December last year were invalid, the department said.

Sydney immigration lawyer Michael Jones, who ran one of the two successful Federal Court challenges, said he had alerted government lawyers to the legal oversight as early as September 2008 but it was not rectified until December last year. He said students still in the country should seek legal advice because they had a good chance of overturning the cancellation.

"The whole student visa cancellation system is a shambles," said David Bitel, Managing Partner of our law firm Parish Patience Immigration, who ran the other challenge. "They've come up with a system that is almost Kafkaesque."

<http://www.theaustralian.com.au/higher-education/legal-glitch-wipes-out-6000-student-visas/story-e6frgcjx-1225838873103>

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

### **India wants answers over attacks**

Despite months of top-level assurances from Australia, India is still dissatisfied with the government response to the attacks on Indian students.

The minister responsible for India's education system, Kapil Sibal, ended a week-long visit to Australia saying that his government still had no answers to fundamental questions.

"There is an issue that I still have - and that is, we still have not addressed the issue of the genesis of the malaise," he said. "Why is it that teenagers here are continuing to attack? The attacks are on the decline, but they are still continuing. Not enough research has been done. This issue has to be addressed.

Enrolments of Indian students in Australia are down by 40 per cent this year because of widespread concern over the attacks.

Mr Sibal, whose title is Minister for Human Resource Development, said that without a sustained effort from Australia, "the issue will put a stumbling block in the sustained flow of students". There are about 120,000 Indian students in Australia.

The minister said that continuing concern in India was damaging perceptions of the Australian government.

<http://www.smh.com.au/opinion/politics/india-wnats-answers-over-attacks-20100412-s41z.html>

### **Racism, exclusion and poverty: key factors reducing international student safety**

The Academy of the Social Sciences, the Australian Human Rights Commission and Universities Australia have worked in partnership to plan and deliver the *Racism and the Student Experience Policy Research Workshop*.

The purpose of the Workshop was to assess available data from social science research to assist with the prevention of racially motivated crimes against international students and improve international student safety.

The current international student population in Australia has grown exponentially in recent years. This figure grew from under 150,000 in 2000 to 560,000 in 2009. Australia has a higher proportion of international students (as part of its total country population) than any other country in the world. The Workshop participants agreed that while the growth of international education has been a positive development for Australia, there needs to be a proportional investment in international student support services.

Participants agreed that segments of the international student population in Australia are at risk of experiencing multiple forms of discrimination. They also agreed that the international student population in Australia has a discernible set of mandatory human rights, including their rights to security of person, non-discrimination, housing and information.

International students are consumers, students, temporary migrant workers and part of a group whose global mobility may cause them to live in precarious circumstances.

They are not a homogeneous group and do not have 'standard' experiences. They come from over 200 countries, speak diverse languages and have unique personal and family circumstances.

Participating academics identified a critical need for:

1. a major national study on the experiences of temporary migrants in Australia
2. research on international student population in Australia in the following key areas:
  - o income and expenditure data
  - o living and working conditions
  - o experiences of discrimination
  - o strategies to support safe international student experience

The Academy of the Social Sciences, the Australian Human Rights Commission and Universities Australia resolved to:

- produce a discussion paper from the Racism and the Student Experience Policy Workshop
- hold two subsequent workshop sessions to create dialogue between academics and key policy makers on the existing evidence base around international student safety
- promote international student safety as a whole of community issue
- call for a strategic approach to addressing racism in Australia and the development of a national anti-racism strategy.

[http://www.humanrights.gov.au/racial\\_discrimination/forum/20100412\\_racism\\_students.html](http://www.humanrights.gov.au/racial_discrimination/forum/20100412_racism_students.html)

### Endeavour Awards for international applicants

Through the Endeavour Awards, the Australian Government provides opportunities for high achieving international students, researchers and professionals to undertake short or long term study, research and professional development in Australia in a broad range of disciplines.

Awards are available in these listed fields:

- Research
- Postgraduate study or research
- Vocational Education and Training
- Professional Development
- Student Exchanges

#### Research

Endeavour Research Fellowships provide financial support for postgraduate students and postdoctoral fellows from participating countries to undertake short-term research (4-6 months), in any field of study, in Australia.

#### Postgraduate study or research

Endeavour Postgraduate Awards provide full financial support for international students for up to 3 years to undertake a postgraduate qualification at a Masters or PhD level either by coursework or research in any field of study in Australia.

#### Vocational Education and Training

Endeavour Vocational Education and Training (VET) Awards provides financial support for up to 2.5 years for international students to study a vocational course at the Diploma, Advanced Diploma or Associate Degree level in any field of study in Australia.

#### Professional Development

Endeavour Executive Awards provide professional development opportunities for high achievers in business, industry, education or government from participating countries.

#### Student Exchanges

To encourage greater student mobility, the Australian Government funds Australian higher education providers to subsidise the costs to students participating in student exchanges which include tuition fee waiver and credit transfer.

Only Australian higher education providers are eligible to apply for funding for International Student Exchange Programs.

For further information on these awards see:

[http://www.endeavour.deewr.gov.au/international\\_applicants/](http://www.endeavour.deewr.gov.au/international_applicants/)

### **Asian Applicants**

Opportunities for high achieving scholars, researchers and executives from Asia are outlined by country of origin on the following website:

[http://www.endeavour.deewr.gov.au/international\\_applicants/destination\\_country.htm](http://www.endeavour.deewr.gov.au/international_applicants/destination_country.htm)

### **Australia Awards**

The AusAID development awards programs are part of the Australia Awards initiative which was announced by the Prime Minister in November 2009.

The Australia Awards have been established to maximise the benefit to Australia of its extensive scholarship programs, and to support enduring ties between Australia and our neighbours.

Development awards have been an important component of the Australian Government's overseas aid program since the 1950s, supporting its aim to help developing countries to reduce poverty and achieve sustainable development.

The overarching goals of AusAID-funded development awards are:

- achieving country and regional program development outcomes through strengthened individual and institutional skills and knowledge, and by supporting leadership
- supporting Australia's broader foreign policy agenda through long-term linkages and partnerships.

The awards are implemented through the following programs:

- Australian Development Scholarships (ADS)
- Australian Leadership Awards Scholarships (ALA Scholarships)
- Australian Leadership Awards Fellowships (ALA Fellowships).

More information on the different programs, including lists of relevant partner countries and applicant eligibility criteria, can be found at:

- ADS
- ALA Scholarships
- ALA Fellowships.

For more information see: <http://www.ausaid.gov.au/scholar/default.cfm>

### **Meridian College Closure**

On 9 March 2010 the Australian Council for Private Education and Training (ACPET) sent an email to Student visa holders affected by the Meridian College closure advising that they have been unable to provide students with a placement to enable their continuation of studies.

ACPET now advises that details of all students requiring assistance who were not able to be offered a place by 12 March 2010 have been sent to the Department of Education, Employment and Workplace Relations (DEEWR). Arrangements have now been made with the ESOS Assurance Fund to either place affected Student visa holders with another education provider or to provide a refund of course money for which Student visa holders did not receive tuition.

Students need to be aware that they are subject to the visa condition 8202 which requires them to maintain enrolment at all times.

If you decide that you do not want to continue your studies in Australia with a new education provider and have sought a refund of your course money, once you have received the refund you will have 28 days to make your arrangements to leave Australia or apply for another type of visa.

Students who have concerns about their visa status can obtain more information from:  
<http://www.immi.gov.au/students/news/2010/meridian-closure.htm>

or contact Diana Tong or David Bitel in our office for specific advice as to options.

### **Clarification for the Skilled Worker Program and Job Readiness Program**

In response to feedback from stakeholders Trades Recognition Australia (TRA) is clarifying the assessment criteria for the Skilled Worker Program.

On 1 January 2010 TRA introduced the Job Ready Program (JRP) for recently qualified Australian trained graduates applying from within Australia for skills assessment for General Skilled Migration. This resulted in changes to other TRA skills recognition programs, including introducing the Skilled Worker Program where skills assessments are based on what has been known as the Uniform Assessment Criteria. To assist with clarity, TRA will now refer to these criteria as the Skilled Worker Program assessment criteria.

At recent information sessions about its skills assessment programs TRA has received feedback that a number of issues regarding the Skilled Worker Program need clarification. These include:

- eligibility requirements;
- employment descriptors; and
- employment experience.

While TRA does not believe this clarification will disadvantage applicants, in the event that an application submitted to TRA before 1 May 2010, does not meet the Skilled Worker Program assessment criteria, applicants will be given 60 days to provide any extra information that may be required or the option to withdraw their application and have their fee refunded. No fee will be applied to applicants submitting additional information under this arrangement.

More information is provided and the Skilled Worker Program assessment criteria and guidelines are published on the TRA website at [www.deewr.gov.au/tra](http://www.deewr.gov.au/tra).

On 12 March DIAC clarified that persons granted or who had applied for TRA recognition before 1 January 2010 were exempt from the JRP requirements.

### **Employers must put locals first**

The Rudd Government does not support any employer who seeks to use the temporary skilled migration program as a substitute for local labour.

Temporary overseas workers on subclass 457 visas are only to be employed if skilled labour cannot be sourced locally.

The Government recognises the need for industry to access skilled overseas labour where there are demonstrated skills shortages but it is important that the program complements domestic recruitment and is not used to replace local workers. Our priority is to provide training and job opportunities for Australians.

A range of measures introduced by the Government in consultation with industry and unions last year ensures that temporary skilled overseas workers on subclass 457 visas are not employed ahead of local workers or used to undermine Australian wages and conditions.

The worker protection laws, which came into effect on 14 September 2009, includes the requirement to pay overseas workers market salary rates so that subclass 457 visa holders are on the same wages and conditions of employment as those provided to an Australian worker undertaking equivalent work in the same workplace.

<http://www.minister.immi.gov.au/media/media-releases/2010/ce10018.htm>

### **Australian Red Cross to monitor immigration detention**

The Australian Government has signed an agreement with Australian Red Cross for the humanitarian organisation to assess and monitor the conditions of people in immigration detention.

Red Cross will provide independent scrutiny to ensure people in detention are being treated fairly and reasonably within the law. 'The impartial scrutiny that Red Cross brings to immigration detention is an important factor in ensuring the Rudd Government's key immigration detention values are independently monitored and verified,' Senator Evans said.

'The Government's values state that people in immigration detention are treated fairly and reasonably within the law and that detention will ensure the inherent dignity of the human person.'

The agreement formalises Red Cross' continuing observer role as well as well-established arrangements for liaison, communication and consultation between Red Cross and the Department of Immigration and Citizenship.

Under the agreement, Red Cross will also provide a range of services and assistance to people in immigration detention including:

- international tracing and messaging services for detainees to contact family members in their home countries
- country of origin news
- disaster information and inquiries
- emotional support.

The agreement with Red Cross complements the oversight arrangements provided by the Commonwealth Ombudsman and the Australian Human Rights Commission.

<http://www.minister.immi.gov.au/media/media-releases/2010/ce10022.htm>

### **Changes to the citizenship residence requirement on 1 July 2010**

The general residence requirement is one of the eligibility criteria you must meet to apply for Australian citizenship. The residence requirement is specified in the Australian Citizenship Act 2007.

It is based on the length of time you have lawfully lived in Australia, you have spent outside Australia and you have been a permanent resident.

From 1 July 2010 **all** citizenship applicants will need to meet this residence requirement at the time they apply for Australian citizenship:

- You must have been living in Australia on a valid Australian visa for 4 years immediately before applying, including 1 year as a permanent resident, and
- You must not have been absent from Australia for more than 1 year during the 4 year period, including no more than 90 days in the year immediately before applying.

Between 1 July 2007 and 30 June 2010 there have been transitional arrangements in place. On 1 July 2010 the transitional arrangements will cease. On and after 1 July 2010 there will only be one general residence requirement which everyone aged 16 and over will be required to meet.

If you are a long term resident the change in the length of time you must be lawfully living in Australia may not affect your eligibility to apply. The change mainly affects people who are trying to balance the requirement of living in Australia as a permanent resident with allowable absences and overseas travel.

This means you must hold a permanent residence visa valid for entry to Australia or resident return visa for any time spent outside Australia, during the whole 12 months immediately before making an application.

[http://www.citizenship.gov.au/learn/law-and-policy/legis\\_changes/res\\_req\\_changes/](http://www.citizenship.gov.au/learn/law-and-policy/legis_changes/res_req_changes/)

Permanent residents must maintain their permanent resident status at all times to remain eligible to apply for citizenship. This means ensuring that that you have a current Resident Return Visa at all times when you are outside Australia or a permanent visa that is valid for entry to Australia.

Information on Resident Return Visa is available on the DIAC website:

Fact Sheet 95 - Documents Needed to Enter Australia

Form 1085 - Application for a Resident Return visa (RRV) or replacement evidence of an RRV (293KB PDF file)

For more information contact [David Bitel](#) in our firm.

### **Firm to pay \$60,000 for ute death**

Having initially denied any wrongdoing, the Northern Territory employer of a Filipino 457 visa worker killed when he fell out of a utility has pleaded guilty to workplace violations and been fined \$60,000.

Pedro Balading, a 35-year-old father of three, was a Manila piggeries supervisor who arrived at Wollogorang Station in early 2007 and found himself isolated, underpaid and performing menial jobs. He asked to go home but was told by his employer, Panoy Pty Ltd, and the labour hire firm that brought him from the Philippines to complete his two-year contract.

Mr Balading died on June 6, 2007, when he fell out of a moving utility driven by another worker.

Handing down the fine yesterday, the executive director of NT Work Health Authority, Laurene Hull, said the death was preventable: "Panoy Pty Ltd failed to take appropriate steps to ensure the hazard posed by travelling in the back of utilities was known to the workers and the risks appropriately managed."

<http://www.smh.com.au/nsw/firm-to-pay-60000-for-ute-death-20100316-qcmb.html>

### **NSW and Victoria dominate skilled migration arrivals**

New South Wales and Victoria became home to the lion's share of skilled migrant arrivals in 2008-09, according to new figures released today by the Department of Immigration and Citizenship (DIAC).

The latest edition of DIAC's Settler Arrivals publication shows that of the 69 456 skilled migrants who came to Australia, about 55 per cent moved to the two states, with a total of the 19 071 settling in New South Wales and 18 630 in Victoria.

Overall, Settler Arrivals 2008-09 shows New Zealand and the United Kingdom are the greatest source countries by birth for all settler arrivals, accounting for almost 30 per cent of the 158 021 permanent arrivals in 2008-09.

[http://www.newsroom.immi.gov.au/media\\_releases/771](http://www.newsroom.immi.gov.au/media_releases/771)

## Investigators uncover illegal workers in Brisbane

The Department of Immigration and Citizenship (DIAC) is making arrangements to remove 20 illegal workers detained after a police and immigration operation recently in the Brisbane suburb of Morningside. DIAC will pursue with the Director of Public Prosecutions any possible criminal prosecution related to hiring and exploitation of illegal workers, a DIAC spokesman said. Employers convicted of illegal worker offences face fines of up to \$13 200 and/or two years' imprisonment per illegal worker.

[http://www.newsroom.immi.gov.au/media\\_releases/788](http://www.newsroom.immi.gov.au/media_releases/788)

## Legislative Changes

### Berenguel v Minister for Immigration and Citizenship [2010] HCA 8 (5 March 2010)

In this important decision, the High Court held that an acceptable IELTS test submitted after lodgement of an application for a Subclass 886 visa was still satisfactory evidence of English competence even though the Regulatory provision provided it was a time of application and not a time of decision requirement. The ramifications of the decision for other similar time of application requirements have yet to be clarified.

For further information contact [David Bitel](#) in our office.

### Effective 27 March 2010

Amendments to the definitions of 'Australian Child Order' and 'Step-Child' and to reduce the relationship period for some applicants to qualify for a Partner (Migrant) (Class BC) Visa or a Partner (Residence) (Class BS) Visa

- Amendments relating to Child (Residence) (Class BT) visa applications
- Technical amendments to Migration Regulations 1994 following implementation of the worker protection reforms
- Amendments to various Parent Category Visas
- Amendments to the nomination criteria and visa criteria for the Occupational Trainee (Subclass 442) visa
- Amendment to specify where applicants need to be located to lodge a valid Cultural/Social (Temporary) (Class TE) visa application
- Amendments to Subclass 801 – Partner and Subclass 820 – Partner visas
- Protection of Children – amendments to the Migration Regulations 1994 providing for character requirements for sponsors
- Amendments to Student visa assessment level requirements and insertion of new Student visa cancellation provisions

For more information about these amendments, see:

<http://www.immi.gov.au/legislation/amendments/>

### Passage of legislation to prohibit torture and the death penalty

Attorney-General, Robert McClelland, welcomed the passage of legislation through Parliament which prohibits the use of torture and ensures that the death penalty cannot be reintroduced anywhere in Australia in the future.

The Crimes Legislation Amendment (Torture Prohibition and Death Penalty Abolition) Bill 2009 implements a specific Commonwealth offence of torture into the Commonwealth Criminal Code which will operate concurrently with existing State and Territory offences.

“Introducing a specific Commonwealth offence of torture will fulfil Australia’s obligations under the United Nations Convention Against Torture to ban all acts of torture, wherever they occur,” Mr McClelland said.

The Bill also amends the Commonwealth Death Penalty Abolition Act 1973 to extend the application of the current Commonwealth prohibition on the death penalty to State laws.

[www.ag.gov.au/www/ministers/mcclelland.nsf/Page/MediaReleases\\_2010\\_FirstQuarter\\_11March2010-PassageofLegislationtoProhibitTortureandtheDeathPenalty](http://www.ag.gov.au/www/ministers/mcclelland.nsf/Page/MediaReleases_2010_FirstQuarter_11March2010-PassageofLegislationtoProhibitTortureandtheDeathPenalty)

## Human Rights

### Fruit pickers should know work rights

The Fair Work Ombudsman has warned backpackers about how to defend their rights after revelations that fruit pickers have been abused, denied water and paid a fraction of what they are owed.

The federal ombudsman has warned pickers to: keep their own records of wages and hours worked; be aware of minimum entitlements which, even on piece rates, must amount to at least \$14.31 an hour, plus a loading for casuals; insist upon a payslip; know the business name and Australian Business Number of their employer; and ask for job offers and terms of employment in writing. Under the Fair Work Act, an employer "cannot directly or indirectly require an employee to spend any part of wages payable to them if the requirement is unreasonable", the federal ombudsman's spokesman said.

<http://www.smh.com.au/national/fruit-pickers-should-know-work-rights-ombudsman-20100314-q67o.html>

### Compliance campaign in Newcastle

A compliance campaign conducted by the Fair Work Ombudsman last year identified eight contraventions in underpayment of workers and five contraventions in record keeping and payslip content among employers of international students in the Newcastle area, recovering underpayments of \$64 701 for 80 employees.

The targeted businesses included restaurants, takeaway outlets and hand car washes. International students formed a small percentage of the total employees in the targeted businesses. The campaign was prompted by print and radio coverage of alleged non-payment or underpayment of international students by employers in the Newcastle area.

DEEWR eNewsletter Edition 002-2010 27 January 2010

## United Nations

### Millennium Development Goals

*Keeping the Promise: A forward-looking review to promote an agreed action agenda to achieve the MDGs by 2015*  
Report of the Secretary-General

This report, which is issued pursuant to General Assembly resolution 64/184, presents information on progress made with regard to the Millennium Development Goals.

1. The introduction examines the importance of the Millennium Declaration and how it drives the United Nations development agenda.
2. The second section reviews progress on achieving the Millennium Development Goals (MDGs), presenting both shortfalls and successes in the global effort, and identifying key success factors.
3. The third section sums up lessons learnt to shape new efforts for accelerating progress to meet the Goals and identifies key success factors.
4. The fourth and final section lists specific recommendations for action.

The report calls for a new pact toward the acceleration of MDG progress in the coming years among all stakeholders committed towards equitable and sustainable development for all.

[www.un.org/millenniumgoals/pdf/sgreport\\_draft.pdf](http://www.un.org/millenniumgoals/pdf/sgreport_draft.pdf)

## Speeches

*Australia-Indonesia Joint Statement*  
Parliament House, Canberra  
10 March 2010

<http://www.pm.gov.au/node/6556>

*Anti-People Smuggling and Other Measures Bill 2010*  
*Second Reading Speech*  
By Attorney-General Hon Robert McClelland MP  
24 February 2010

## Reports

*Release of Report on Commonwealth Secrecy Laws*  
Attorney-General Hon Robert McClelland MP  
and Cabinet Secretary & Special Minister of State Senator The Hon Joe Ludwig  
11 March 2010

[www.attorneygeneral.gov.au](http://www.attorneygeneral.gov.au)

## Dates

### UN Summit on the Millennium Development Goals

World leaders to gather in New York 20-22 September 2010 to boost progress against poverty

[www.un.org/millenniumgoals/pdf/mdg\\_summit\\_factsheet.pdf](http://www.un.org/millenniumgoals/pdf/mdg_summit_factsheet.pdf)

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