

Far reaching changes to the Migration Agents Code of Conduct which came into effect at the beginning of this year are detailed in this newsletter. A warning is issued to clients who submit false or misleading information that they could face heavy penalties and possible prosecution.

David Bitel named among Australia's Best Immigration Lawyers

The Migration Institute of Australia recently congratulated our Managing Partner David Bitel, one of its 16 Members who were listed by the *Australian Financial Review* as amongst Australia's Best Immigration Lawyers, as chosen by their peers.

MIA News, Issue 118, 7 March 2012

Permanent Employer Sponsored Visa Program Reforms – from 1 July

In a keynote address to the ILAA/Law Council of Australia's 2012 CPD Immigration Law Conference recently, Minister Bowen announced reforms to the permanent employer sponsored visa program to come into effect from 1 July 2012. The announced reforms include:

- Collapsing six existing visa subclasses into two by removing on- and offshore distinctions and absorbing separate Labour Agreement subclasses within streams of the Employer Nomination Scheme (ENS) and the Regional Sponsored Migration Scheme (RSMS) classes;
- Changing key visa criteria including English language and skills requirements;
- Introducing a streamlined pathway to residency for eligible Subclass 457 visa holders;
- Raising the upper age limit to less than 50 years;
- Refocussing the Regional Certifying Body (RCB) network to the Direct Entry stream of RSMS;
- Introducing a single sponsored occupation list to replace the current three lists; and
- Integrating ENS and RSMS within SkillSelect, also to also be launched 1 July.

These changes will mean a permanent employer sponsored structure that is made up of two classes - Employer Nomination (Class EN) ENS (Subclass 186) and Regional Employer Nomination (Class RN) RSMS (Subclass 187) - within which there will be the following three streams:

1. Temporary Residence Transition stream
For Subclass 457 visa holders who have worked for their employer for at least the last two years and the employer wants to offer them a permanent position in that same occupation

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2. Direct Entry stream
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3. Agreement stream
For applicants who are being sponsored by an employer through a highly scrutinised and negotiated labour agreement or regional migration agreement

The Minister also announced that existing "exceptional circumstances provisions" will be replaced by "exemptions" that will be more objective without sacrificing flexibility. Exemptions will be available covering age, skills and English language ability. More information from DIAC on these reforms is available at:

<http://www.immi.gov.au/skilled/skilled-workers/pdf/perm-sponsored-reforms.pdf>

Migration Institute of Australia Notice, Issue 2012.10 – 9 March

Proposed visa criteria for new employer sponsored visa programs

Currently there are six visa subclasses under the Permanent Employer-sponsored program: Offshore subclass 121 and Onshore subclass 856 (ENS), Offshore subclass 119 and Onshore subclass 857 (RSMS) and Offshore subclass 120 and Onshore subclass 855 (Labour agreement). **After 1 July 2012 there will be two new visa subclasses, each with three new visa streams.** Below are the requirements for the new visa subclasses and visa streams:

***Employer Nomination Scheme
(Class EN subclass 186)
and
Regional Sponsored Migration Scheme
(Class RN subclass 187)***

- No offshore or onshore distinctions
- Subject to the new consolidated sponsored occupation list
- Relaxes the upper age limit from less than 45 to less than 50 years
- Replaces current exceptional circumstance model with exemption categories. Exemptions will be available for age, skills and English language ability.

There are three visa streams under both the ENS and RSMS visa subclasses:

1) The Temporary Residence stream

For subclass 457 visa holders who have worked for their employer for the last two years and the employer wants to offer them a permanent position that matches, or closely aligns with their subclass 457 occupation.

Criteria includes:

- Vocational English (IELTS 5)
- Occupation must match, or closely align with their subclass 457 visa position
- Will be paid the market rate

Note: No skills assessment required as skills have already been proven as a subclass 457 visa holder.

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2) The Direct Entry stream

Is for applicants untested in the Australian labour market who are in Australia and do not hold a subclass 457, or have not held a subclass 457 for the last two years or who are applying directly from overseas.

Criteria includes:

- Competent English (IELTS 6)
- For ENS, positive skills assessment and relevant work experience, unless exempt, and nominated in an eligible occupation
- For RSMS, a relevant Australian or overseas qualification, trades people without an Australian qualification require a Trades Recognition Australia skills assessment
- Will be paid the market rate

3) The Agreements stream

For applicants who are sponsored by an employer through a labour agreement or a regional migration agreement.

- Generally semi-skilled occupations
- Criteria and requirements are specified in the relevant agreement

For further information see:

<http://www.immi.gov.au/skilled/skilled-workers/permanent-employer-sponsored-visa-whats-new.htm>

Existing Employer Sponsored Migration

Until 1 July 2012 employers can still sponsor skilled overseas workers under the existing visa schemes. Two schemes are set out below:

Australian Capital Territory

The Australian Capital Territory (ACT) Government assists local employers sponsor skilled workers from overseas by certifying that the nominated position meets certain skill/salary criteria, before the application is lodged with the Department of Immigration and Citizenship (DIAC). Employers can sponsor skilled workers for permanent residence:

- Regional Sponsored Migration Scheme (RSMS) Visa (Subclass 119/857)—sponsoring a skilled employee from overseas to work permanently in Australia.

As from 14 September 2009, amendments to the Migration Act 1958 and associated regulations came into effect as a part of the 'Worker Protection' reforms. As a result of these changes, regional concessions are no longer available under the Temporary Business (Long Stay) Subclass 457 Visa program.

The Regional Sponsored Migration Scheme (RSMS) Subclass 119/857 Visa enables Canberra employers to fill 'skilled' positions, on a permanent basis, with non-Australian citizens, where they have been unable to fill a vacancy from the local labour market or through their own training programs.

http://www.business.act.gov.au/skilled_and_business_migration/employer-sponsored_migration

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Northern Territory

This visa scheme enables regional employers to employ skilled overseas nationals to fill genuine positions if they can show they are unable to fill these positions from within the local labour market.

Eligibility

- positions must be genuine, skilled, full-time vacancies in the business or organisation
- the employer and their overseas nominee must be willing to enter into a 2 year employment contract. The 2 years is calculated from the date the permanent residence visa granted by the Department of Immigration and Citizenship (DIAC) to the overseas nominee.

The DIAC case officer assessing the migration (visa) application may require an original of the employment contract that has been signed by both the employer and their nominee. The employer's nomination is made on the DIAC Form 1054 (www.immi.gov.au/allforms/pdf/1054.pdf).

All Northern Territory employer nominations under RSMS must be certified by the Northern Territory Regional Certifying Body (Department of Business and Employment).

It is a Northern Territory requirement that employers who employ skilled overseas workers under RSMS offer salaries and employment conditions that are in line with those for local workers in similar occupations.

<http://www.migration.nt.gov.au/visa/rsms.html>

Vocational education training and assessment

Some information regarding VETASSESS assessments for applications with a nominated general professional occupation for the skilled migration program

Current turnaround time for assessment of VETASSESS general professional occupations is 12 to 16 weeks for full assessments (of qualifications and employment). Applications will be further delayed if required documents or fees are missing.

Cases are processed in the order they are received. Urgency requests will continue to be accepted for upcoming major birthdays and visa expiry.

Under DIAC's transition arrangements in effect to 31 December 2012, some applicants who currently hold a Skilled – Graduate (Temporary) visa (subclass 485) are eligible to apply for a GSM visa under the SOL in place on 8 February 2010. Applicants in this group who require a full Skills Assessment with optional Points Test Advice from VETASSESS to support their application for permanent residency are advised to submit their application to VETASSESS by 31 August 2012.

VETASSESS has increased the fees payable for Chinese Qualification Verification. The increase in fees is modest and reflects increased costs, particularly fees payable by VETASSESS to the official Chinese verification authorities in the People's Republic of China. Please refer to the VETASSESS Fee Schedule for Chinese qualification verification effective from 1 February 2012.

[Uni adds housing to attract overseas students](#)

[Victory for mental patients' education](#)

Speeches

APB Education

The on-line VETASSESS Advisory Service offers you the opportunity to obtain customised advice and support to assist you to prepare a formal application to VETASSESS for a skills assessment against the requirements of your nominated occupation for migration purposes.

The Advisory Service will:

- take you through the steps required to prepare an application for a skills assessment for your nominated occupation
- advise you whether the documents you are able to provide are sufficient for your application, and
- provide you with information about the nominated occupation or other occupations which may be relevant to your application.

This new service should assist applicants and migration agents to make informed decisions about their application for a skills assessment and to prepare applications with correct documentation which are assessment ready.

For the latest information regarding the Skills Assessment process check www.vetassess.com.au.

Changes to Migration Agents Code of Conduct Obligations in managing client information

Migration agents now have a greater responsibility to ensure that clients do not submit false and/or misleading information in support of an application. This was stressed in the following message from Christine Sykes, CEO, Office of the Migration Agents Registration Authority (MARA):

“I would like to discuss your obligations, as registered migration agents, to ensure you do not submit false and/or misleading information in support of an application under the Migration Act 1958 (Cth) (the Act) and the Migration Regulations 1994 (Cth) (the Regulations).

“You may be aware of media reports relating to the recent conviction of Carmine Amarante. Mr Amarante was convicted as a result of creating 777 false documents to be used in support of visa applications under the General Skilled Migration program. The sentence imposed on Mr Amarante was 33 months imprisonment, with a minimum term of 20 months. Media reports have indicated that a number of associated visa applications (in support of which the aforesaid non-genuine documents were provided), are still pending a decision being made by the Department of Immigration and Citizenship (the Department).

For further details about the Amarante case see news articles on immigration fraud in October 2011 (p. 3) and January 2012 (pp. 4-5) issues of this Newsletter.

“In light of the case of Mr Amarante and the recent changes made to clause 2.9 of the Code of Conduct which came into effect on 1 January 2012, it is timely for me to draw to your attention your obligations as registered migration agents to not provide false and/or misleading information (either by way of documents or statements) to the Department or to review authorities in support of applications made under the Act or the Regulations.

“The specific provision I wish to highlight is clause 2.9 of the Code, which provides:

“A registered migration agent must not make statements in support of an application under the Migration Act or Migration Regulations, or encourage the making of statements, which he or she knows or believes to be misleading or inaccurate.

“What obligations does this clause place on a registered migration agent?

Registered Migration Agents cannot be discharged of their responsibility to ensure that false and/or misleading information is not submitted in support of an application under the Act or the Regulations, even if the information was supplied by the client. Prior to the new Code of Conduct provision which

came into effect on 1 January 2012, clause 2.9 included the wording “cannot be responsible for misinformation provided by a client”. The practical effect of this was that a registered migration agent could discharge their responsibility on the basis that the client had provided the information. **This is no longer the current position.**

“When a registered migration agent has concerns with the genuineness of the information provided by a client, or is not satisfied of the veracity of the documents or information provided by their client, they have a professional responsibility to conduct further reasonable checks before submitting the information in support of the application under the Act and/or the Regulations.

“If a client insists that the information is genuine, registered migration agents have a right, and a professional obligation, to test their client’s claims. If the agent is not satisfied with the veracity of the client’s claims, an agent should terminate the retainer with the client as it is no longer appropriate to continue to represent the client in the circumstances. It is likely that if the agent continues to act in the matter, and submits the information in support of the client’s application, the agent is not only acting in breach of clause 2.9 of the Code but also clause 2.1B. This is because a Conflict of Interest becomes apparent between the agent retaining their client on the one hand and breaching the ethical obligations they must satisfy under various clauses of the Code on the other. These include to:

- clause 2.1(a) act in the legitimate interests of their client
- clause 1.12 maintain their overriding duty to act at all times in the lawful interests of their client
- clause 2.23 maintain the integrity of the migration advice profession
- clause 1.10 be persons of integrity and therefore deal with the Department with honesty (reflected also in section 303(1)(f) of the Act).

(Emphases added)

“What should I do if the client has already provided the information in support of the application under the Act and the Department has sent them a natural justice letter in relation to Public Interest Criterion 4020?”

“An agent may be approached by a client who has already provided documents and/or information in support of their visa application, and who has received from the Department a notice indicating that they may not satisfy Public Interest Criterion 4020 in Schedule 4 of the Regulations.

“Registered Migration Agents who are engaged by clients in this circumstance need to ask themselves the following questions:

1. Have clear instructions been obtained from the client regarding the genuineness of the documents or information in question?
2. Is the agent satisfied, on the basis of their reasonable enquiries, that the document or information is genuine?

If the agent is not satisfied and the client insists that the documents or information are genuine, the agent should cease to represent that client and advise the client of the risks associated with having provided this information to the Department.
3. If the agent follows client instructions and advises the Department that the information is genuine, will the agent be in breach of clause 2.9 of the Code and of their professional and ethical obligations?
4. Has the agent been frank and candid about the prospects of success to the client in compliance with clause 2.6 of the Code, if they pursue this application on the basis of the information they have provided to the Department?
5. Should the client be advised to seek legal assistance in the matter, as they may be at risk of prosecution?”

Complementary protection

From 24 March 2012, there will be a new additional basis for the grant of a protection visa. The assessment of whether a person is owed protection by Australia will include an assessment of the claims under the *1951 Convention relating to the Status of Refugees* and its *1967 Protocol* (the Refugees Convention) and an assessment of their complementary protection claims. Both assessments will be part of the processing of a person's application for a Protection visa.

Complementary protection is the term used to describe a category of protection for people who are not refugees, as defined in the Refugees Convention, but who cannot be returned to their home country because there is a real risk that the person would suffer certain types of harm that engage Australia's international non-refoulement (non-return) obligations.

Australia's international obligations in this area will not change as a result of complementary protection legislation.

Australia's non-return obligations, in addition to those under the Refugees Convention, are derived from international human rights conventions that Australia became a party to in the 1980s and 1990s. These are:

- The International Covenant on Civil and Political Rights (ICCPR) and its Second Optional Protocol aiming at the abolition of the death penalty
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).
- The Convention on the Rights of the Child (CROC).

Complementary protection covers people who would face a violation of their fundamental human rights such as being arbitrarily deprived of their life; having the death penalty carried out on them, being subjected to torture; or being subjected to cruel, inhuman or degrading treatment or punishment, if returned to their home country.

Assessment of complementary protection claims is being incorporated into the existing primary protection assessment framework. This means that applications for protection will consider refugee claims and complementary protection claims as part of one, integrated process. This reflects the Government's commitment to ensuring that a person's claims for protection are assessed in the shortest practicable amount of time.

To ensure the primacy of the Refugees Convention, protection claims will first be considered against the existing refugee criteria set out in the Migration Act 1958. This means that protection visa applicants will have their claims considered under the complementary protection criteria only if they have been found not to meet the definition of a refugee.

All new applications received, and any case not finalised, from 24 March 2012 will be considered under the complementary protection criteria.

A person found to be owed protection under the complementary protection criteria will be granted a Protection visa (Class XA) (Subclass 866). This is the same visa granted to a person found to be owed protection under the Refugees Convention.

<http://www.immi.gov.au/media/fact-sheets/61a-complementary.htm>

Proposed changes to Living Away From Home Allowance (LAFHA) benefits for Subclass 457 visa holders

In November 2011, the government announced reforms to the Fringe Benefits Tax (FBT) treatment of Living Away From Home Allowance (LAFHA) benefits to commence on 1 July 2012.

LAFHA is commonly used by employers to compensate employees for additional costs incurred when they are required to live and work away from their usual place of residence. This can include accommodation and food costs.

Under the current tax system, the provision of LAFHA can increase the take-home pay of employees, including subclass 457 visa holders. The Australian Government has concerns that LAFHA concessions are being exploited by some employers.

The Department of Immigration and Citizenship has received a number of enquiries about how these changes will impact subclass 457 visa holders. From the department's perspective, if an employer committed to pay a subclass 457 visa holder LAFHA, it is expected this payment will continue.

<http://migrationblog.immi.gov.au/>

Other countries' misfortune is our gain

There is a resonance about Australia's latest influx of migrants. Growing numbers of young, skilled professionals are heading to this country in search of a better life.

They are refugees from the global economic downturn which has devastated their countries, including Greece, Italy, Ireland, Hungary, Portugal and Spain.

They bring qualifications, skill and enthusiasm and they see in Australia an opportunity for prosperity and security.

Lorenza Marini is one of these newcomers. The 32-year-old Mandarin interpreter, who has been looking for work in Australia for a month, felt it was time to leave her home city of Turin in Italy's affluent north when the local council could not afford a snowplough to clear the streets and people who were not homeless were rummaging through rubbish bins looking for food.

So once again other countries' misfortune will benefit Australia. One of the greatest waves of immigration to Australia came after World War II when millions of southern and eastern Europeans fled a ravaged, broken continent and countries that were being annexed in the name of Soviet totalitarianism.

Unlike the latest arrivals, these refugees mostly came without possessions, little or no grasp of English and often without much education after years of upheaval caused by the war.

But they brought hope and an unquenchable desire to make lives for themselves and their families in this distant and inhospitable land.

By sheer hard work many achieved their goals and in the process made huge contributions to Australia in varied fields, including primary and second industry, science, horticulture, cuisine, leisure and the arts. They made Australia a richer, more sophisticated and more interesting place to live.

This nation could benefit greatly from the current crop of skilled immigrants.

Now it's the turn of the economic refugees. With such inspiring precedents, there's no reason to believe the newcomers won't also help to make Australia an even finer country.

www.smh.com.au/opinion/editorial/other-countries-misfortune-is-our-gain-20120310-1uqy3.html

Asylum seekers are "genuine" too

Australia must not forget its protection obligations to asylum seekers, according to the Refugee Council of Australia. In a recent newsletter the RCOA stated:

“The Federal Coalition has signalled its intention to allocate more resettlement places for people it has labelled ‘genuine refugees’. We welcome any commitment to increase resettlement places, particularly when numbers are in global decline, but we can’t ignore our obligations to asylum seekers. The suggestion that people seeking asylum in other countries are “genuine” refugees but those seeking asylum in Australia are not is nonsense. Many people who seek asylum in Australia are found to be in need of international protection because they have experienced serious persecution. People seeking asylum in Australia need our protection and support, not divisive and ugly campaigns to question their legitimacy or humanity.”

A Just Australia, newsletter of the Refugee Council of Australia, 12 March 2012

Applicant forges dead man’s signature to get Australian visa

The Australian High Commission has registered a case with the Delhi Police after it came across a forged visa application.

According to police, the applicant had attached a copy of a letter, reportedly from the Australian Sikh Education and Welfare Association, with forged signatures of its general secretary, who had died five years ago.

The High Commission had received an application from a man named Kulwant Singh, a native of Ludhiana in Punjab. Singh, an employee of a Gurudwara Committee, approached the Commission for a business visa on February 6 this year, police said.

Along with his visa papers, Singh had attached copies of an invitation letter from the Australian Sikh Education and Welfare Association, authorised by its general secretary, J S Uppal.

In his complaint to the police, Gregory Dudley, Senior Migration officer with the Australian High Commission, said that on February 29, they received confirmation that the invitation letter provided by Singh in support of his visa application is “not genuine”.

Police have registered a case of cheating and forgery and are investigating whether Singh had any assistance in forging the signatures.

<http://www.indianexpress.com/story-print/921978/>

New work and holiday visa arrangement between Australia and Argentina

Young people from Australia and Argentina now have the opportunity to visit and work in each other’s countries through a work and holiday arrangement that came into effect recently.

The new work and holiday arrangement aims to strengthen cultural exchange and widen economic ties and links between the two countries. This arrangement will allow university-educated Australians and Argentines aged between 18 and 30 to work and holiday in each other’s country for up to 12 months.

The work and holiday visa differs from a working holiday visa as it requires applicants to have the support of their government, hold or be studying towards tertiary qualifications and to speak functional English.

There will be an annual limit of 500 work and holiday visas for both countries.

Further information on the work and holiday visa program can be found at www.immi.gov.au.

http://www.newsroom.immi.gov.au/media_releases/1013

Department of Attorney General

Justice of the Peace news

Effective from 30 April 2012, there are new requirements for when a Justice of the Peace (JP) witnesses a person's NSW statutory declaration or affidavit. The JP must take specific, additional steps to confirm the identity of the person.

The Attorney General has issued Ruling 003 which sets out in plain language the steps a JP must take to confirm a person's identity. In summary, **the JP must:**

1. **See the person's face**
2. **Confirm the person's identity**
3. **Certify in writing on the document that those two things have been done.**

Every JP in NSW is being sent a copy of the Ruling. A copy of Ruling 003 can also be found on the JP website, www.jp.nsw.gov.au.

The new requirements are the result of amendments to the Oaths Act 1900, and introduction of the Oaths Regulation 2011. The purpose of the amendments is to ensure community confidence that a NSW statutory declaration or affidavit was in fact made by the person whose signature appears on the document.

JP News, Issue 2, March 2012

Because children matter

The NSW Attorney-General, the Hon. Greg Smith SC MP recently wrote on key issues in juvenile justice and highlighted the importance of addressing the factors that lead to children and young people becoming involved with juvenile justice and the need for reform of the Bail Act.

"The area of juvenile justice is one where input from the whole community is needed to make a genuine difference in young people's lives. Good juvenile justice policies can mean the difference between a lifetime of crime and a fulfilling, productive life. These policies are strengthened when NGOs are involved in their development and in the delivery of services in the community to support young people and their families.

I was appointed the Attorney General and Minister for Justice on 3 April 2011. As a former Deputy Director of Public Prosecutions and someone who has prosecuted hundreds of criminal trials, I understand the importance of early intervention to turn around the lives of young offenders. Hardened adult offenders often have had substantial interaction with the juvenile justice system. If these offenders had access to effective services when they first came into contact with the justice system, or even before, a number of subsequent offences may have been avoided.

We need to address the issues that lead to young people becoming involved with the justice system.

Early intervention policies are supported by research which indicates that intervening early with vulnerable young people provides long term social and financial benefits, including improved life outcomes for these individuals as well as their families and the broader community.

Another significant issue that must be addressed is the number of young people on remand. I have ordered the NSW Law Reform Commission to conduct a comprehensive review of the Bail Act, amid concerns about the impact it has on juveniles."

<http://www.becausechildrenmatter.org.au/juvenile-justice/the-hon-greg-smith-sc-mp-key-issues-in-juvenile-justice/>

Social Justice - PIAC looks to the future of social justice

The proud history of the Public Interest Advocacy Centre (PIAC) was given centre stage at an event held on 20 September 2011 at the Law Society of NSW to re-launch PIAC's approach to social justice with a view to seeking support from a broader community.

The event was attended by a number of distinguished members of the legal profession, business and community sectors.

The keynote speech was given by the NSW Attorney General, the Hon Greg Smith, on "The Future of Social Justice". As a former public prosecutor, Mr Smith recognised particularly the need for improved support for persons in detention, this being an issue that PIAC is actively involved in. He also recognised matters that PIAC had been active in over the years that demonstrated the value PIAC provides in supporting social justice issues.

In particular, the Attorney General discussed the Work and Development Order scheme, which the NSW government recently made permanent. The scheme allows disadvantaged people to work off their unpaid fines in a variety of ways, including by addressing mental health or addiction problems, thereby enhancing their prospects for rehabilitation and reducing the likelihood that they will go to prison.

PIAC's Chief Executive Officer, Edward Santow, launched PIAC's new strategic plan. The plan looks to PIAC leading change and building capacity in four major program areas, being:

1. Social Justice (homelessness, prisons and detention)
2. Equality (Indigenous justice, discrimination),
3. Government and democracy (access to information, accountable government) and
4. Consumer rights (health care, energy and water).

Law Society Journal, November 2011.

The following is an extract from a speech given by the NSW Attorney General Greg Smith, SC MP at the function hosted by PIAC on 20 September 2011:

Promoting Social Justice

Access to justice initiatives can have an enormous impact on community wellbeing, particularly for the more vulnerable and isolated members of our community.

For that reason, breaking the cycle of legal problems that can lead to disadvantage is an important priority for the Government.

The Work and Development Order scheme, for people with accumulated fine debts, is a clear example of a successful strategy that aims to break this cycle.

A fine may seem like a small thing but for some people, it can have long-term implications - particularly when the inability to pay leads to the loss of a driver's licence and then barriers to participating in employment, education and community life. Fines can have a particularly severe impact on homeless people, a fact that is very familiar to PIAC through its role in coordinating the Homeless Persons Legal Service.

The HPLS report, 'Not such a fine thing', was instrumental in the development of the Work and Development Order pilot. Work and Development Orders allow people who are experiencing acute economic hardship, who are homeless, or who have mental illness or an intellectual disability, to 'pay off' their court fine and/or penalty notice debt by undertaking certain courses, treatment or unpaid work with approved organisations and health practitioners.

The scheme was initially established as a two-year pilot, but after a very positive evaluation the Government decided to make it permanent and expand it across the State.

Soon there will be a State-wide network of regional Work and Development Order support teams at Legal Aid NSW and the Aboriginal Legal Service. They will be based at Coffs Harbour, Wollongong, Orange and Liverpool. The teams will educate people on how to deal with outstanding fines and apply for Work and Development Orders, and ask local organisations and health practitioners to participate.

With real and practical outcomes in education, training, mental health and drug and alcohol treatment, the scheme demonstrates what can be achieved when government and the not-for-profit sector work together.

Law and Order

Prison Reform in NSW

Public statement by Christian, Muslim, Buddhist, Jewish and Hindu Faith organisations

Twelve religious groups have joined the many voices calling for prison reform in NSW. In a statement issued recently, the groups said:

“We seek to apply the values of compassion, healing and social justice to all members of society, including prisoners, who are often the forgotten ones - ‘out of sight, out of mind’. The measure of compassion and social justice we extend to prisoners reflects on the presence of those values in our society. We are actively involved in the pastoral care of prisoners through the prison chaplaincy programmes.

“For too long, NSW has seen an increasing rate of imprisonment, and the highest rate in Australia of prisoners returning to prison after release (43%). These “prisoners” are children of the Australian society, we have a choice to support their rehabilitation and allow them to be constructive members of society, or keep them in this vicious cycle of relapse and recidivism. We believe that many prisoners can be reformed if there is the political will to do the work required. Prisoners should not be used for political gain with some political parties using the fear tactics around crime, and promising more harsh treatment to gain votes.

“It is our role as religious organisations to make a strong stand on these issues by upholding the values of compassion and social justice. We urge the ... NSW government to adopt policies to improve the rehabilitation of prisoners. This will create a more wholesome society for us all.”

The supporting organisations include the Missionaries of the Sacred Heart Justice and Peace Centre, the Australian Federation of Islamic Councils, the Justice and Peace Office of the Catholic Archdiocese of Sydney, the Federation of Australian Buddhist Councils, UnitingCare NSW.ACT, The Hindu Council of Australia, and the Friends of Refugees Of Eastern Europe.

www.withoutfearorfavour.org.au/speak_out/?a=58545

Twenty years of restorative justice in New Zealand

New Zealand has run its entire youth justice system in a nonadversarial manner since 1989. It provides the world’s strongest example to date of how a national juvenile system can transition to something incorporating restorative justice. It has also inspired restorative approaches in New Zealand’s adult system, resulting in less reliance on prisons and a far better deal for victims. Importantly, it supports indigenous ways of dealing with conflict and builds on the strengths of indigenous Maori people.

More information on how the New Zealand youth justice system works can be found in *The Little Book of Family Group Conferences New Zealand Style (A hopeful approach when youth cause harm)* by Allan MacRae and Howard Zehr.

www.tikkun.org/nextgen/twenty-years-of-restorative-justice-in-new-zealand

Education

The clever country

Enrolments at NSW universities have increased more than a quarter in the past five years, as institutions prepared for deregulation.

The sector has over-enrolled for the past few years in preparation for this year's implementation of uncapped government-funded university places, which represents a milestone in policy change, the pro vice-chancellor at University of Western Sydney (UWS), Angelo Kourtis, said.

UWS has embraced the government recommendation to boost enrolments of students from lower socio-economic backgrounds and those who did not have an established background of higher education.

Kelvin Tran has just begun an advanced science degree at the university's Campbelltown campus. Failing to get in to university was not an option and when he did not get a place in a medical school, he chose science.

Mr Tran's father is a Cambodian refugee with a TAFE diploma in dental prosthetics. His mother is a dental assistant. Both had high expectations for their children.

The Minister for Tertiary Education, Chris Evans, said the rise in enrolments was a testament to the government's commitment that 40 per cent of people aged 25 to 34 would hold a degree by 2020, and to make tertiary education more widely available.

"These reforms are ensuring no matter what background you are from, if you have the ability you will have the opportunity to access education to get the high-paying jobs of the future," he said. "The higher the skills in our workforce, the better the outlook for our economy and productivity."

www.smh.com.au/national/education/the-clever-country-university-enrolments-soar-25-20120229-1u3ip.html

It's dumb to dismiss the clever

Higher education, research, innovation and a skilled workforce are where a healthy future for Australia lies.

Whatever became of the clever country? Pause long enough in the helter-skelter of daily life and the intrusive 24-hour media frenzy, and you will quickly realise that the extraordinary mining boom cannot last forever. Eventually, the cycle must reassert itself. Whenever the time comes, where will Australia be? There is broad consensus that our economic future will depend on a skilled workforce, innovation, entrepreneurship, high productivity and creation of knowledge-intensive goods and services resulting from research and development. This being so, one might have thought higher education would be prominent in the national debate and the subject of intense political scrutiny. Yet the opposite is true.

Higher education's low profile is all the more surprising when we consider that from 2012 the government will not impose caps on entry numbers. Every university will be able to take every student it wants.

www.smh.com.au/opinion/society-and-culture/its-dumb-to-dismiss-the-clever-20110728-1i27c.html

Unis plan for more life on campus

Universities are promising more vibrant campuses and expanded support services after the compulsory student amenities fee is reintroduced in 2012.

The new fee is expected to fund non-academic services and amenities, such as sports and cultural activities and student advocacy.

To try to avoid the fee acting as a barrier to disadvantaged students, a new HECS-style loan system will be introduced to allow students to defer payment of the fee until their income rises above the repayment threshold.

Most universities will charge students close to the maximum \$263 per year, and offer varying concessions or exemptions for part-time and distance students. Most are not charging the fee to international students this year, because fee schedules were published before the legislation passed Parliament and many international students are paying more overall due to the strong Australian dollar. The university will give all of the revenue raised through the fee to its student organisations to provide agreed services, including free breakfasts for needy students. It will also set up a new legal service, give more support to elite student athletes and extend the opening hours of services.

www.smh.com.au/national/tertiary-education/unis-plan-for-more-life-on-campus-with-return-of-fees-20111225-1p9or.html

Uni adds housing to attract overseas students

A move to rebuild and rebrand is driving the University of NSW's \$110 million redevelopment of its student housing to add a third more beds to its campus accommodation. Goldstein, Baxter and Basser - the three buildings known as the Kensington Colleges - are to be demolished and rebuilt over three years, more than doubling their capacity from 415 to 923. The new development will include a 160-bed college primarily targeting Muslim students and a self-catering hall for 230 senior undergraduate and post-graduate students.

The redevelopment has met with a mostly favourable reception from students past and present, who feel a great sense of ownership of their campus accommodation, said Neil Morris, the executive director of university services. "When you redevelop iconic colleges you have to be really aware of the fact that people feel very strongly."

A new building, as yet unnamed and informally known as Fourth College, will meet an increasing demand for Muslim students, Mr Morris said. It will be alcohol free, have a prayer room, segregated wings or floors and be open to all students. "We've tried to pitch it as being open to all, so it's not specific to Islamic students ... 'Our students come from Malaysia, Indonesia - it's not just the Gulf. We've got very clear strategies around Indonesian relations and diversifying the Asian base of our students," Mr Morris said.

www.smh.com.au/national/education/uni-adds-housing-to-attract-overseas-students-20111220-1p41v.html

Victory for mental patients' education

"In the Administrative Decisions Tribunal recently, the Health Department's barrister Kristina Stern SC offered a settlement at the start of a projected four day hearing. The settlement will allow forensic patient Saeed Dezfouli to study law whilst he is in the Forensic Hospital and clinches the right to education for patients. This ends a four year battle" said Justice Action Coordinator Brett Collins.

"The settlement orders made by the Tribunal are that Saeed be assessed for suitability for his proposed distance learning course by an Education Officer within the next 21 days. He will pay fees as do other tertiary students, but won't have access to the internet. His computer donated by students of the University of NSW has been waiting for him for two years" said Mr Collins.

"According to the Universal Declaration of Human Rights article 26 'Everyone has the right to education.'

Justice Action media release, February 21, 2012

Speeches

Speech about the direction of the government on law and order

Delivered by the Hon Greg Smith SC MP at the DPP (Director of Public Prosecutions) Solicitors' Conference, Wesley Centre, Sydney, 21 December 2011

[www.lawlink.nsw.gov.au/lawlink/Corporate/ll_corporate.nsf/vwFiles/AG_speech_21122011.pdf/\\$file/AG_speech_21122011.pdf](http://www.lawlink.nsw.gov.au/lawlink/Corporate/ll_corporate.nsf/vwFiles/AG_speech_21122011.pdf/$file/AG_speech_21122011.pdf)

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