

May is Budget time. This newsletter reports the immigration aspects of the Budget, and the financial benefits of spreading from the boom, the strong support for matters in Education, Employment and Workplace Relations, support for displaced persons and recommendations to reform the detention system.

### Business Skills Program Reforms – 1 July 2012

On 25 May 2012, the Minister for Immigration and Citizenship, the Hon Chris Bowen MP announced major changes to the Business Skills visa program - now named the Business Innovation and Investment program. These changes will be implemented from 1 July 2012.

The changes are the result of a comprehensive review which was conducted during 2011.

Further details of these important changes will appear in the June issue of this Newsletter. You can also access information on the DIAC website:

<http://www.immi.gov.au/skilled/business/business-skills-program-reforms-1jul12.htm>

### Australia committed to refugees most in need

The Gillard Government will continue its commitment to providing refuge for the world's most vulnerable people by again designating 13 750 places under the humanitarian program in 2012–13.

'Australia resettles the third largest number of refugees of any country, and we resettle more refugees, per capita, than any other nation. Australians should be proud of the part we play in providing protection to refugees,' said Minister for Immigration Chris Bowen.

The humanitarian program is for offshore refugees referred by the United Nations High Commissioner for Refugees; people in Australia seeking protection and found to be refugees; and for those in need with links to Australia through the special humanitarian program.

'Under the 2012–13 program, our main resettlement focus will continue to be on refugees from the three key regions of Africa, Asia and the Middle East ... The exceptionally high demand for visas under the humanitarian program far exceeds the number of places available,' Mr Bowen said.

Meanwhile, the government is continuing to look at ways of improving the humanitarian program.

'Consequently, we will be seeking the community's views on the feasibility of introducing a private sponsorship pilot program. We are keen to see if we can build on the goodwill towards refugees that exists in the Australian community to develop such a program,' Mr Bowen said.

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## Migration Treatment of Disability

Mr Bowen also announced the streamlining of health waiver provisions for offshore humanitarian applicants in response to a recommendation in the Joint Standing Committee on Migration report, Enabling Australia: Inquiry into the Migration Treatment of Disability.

'Streamlining the health waiver provision means that offshore humanitarian applicants who do not meet the health requirement on cost grounds are more likely to have a visa granted,' Mr Bowen said.

'This change brings requirements for offshore applicants into line with those for applicants under the onshore protection program. However, the change does not alter policies relating to health conditions that are a public health risk, or would require health care or community services that would prejudice the access of Australian residents.'

Vulnerable women will continue to be a priority under the humanitarian program through the 'woman at risk' initiative, set at 12 per cent of the refugee component of the program.

<http://www.minister.immi.gov.au/media/cb/2012/cb186539.htm>

## Australia provides support to displaced people overseas

The Federal Government has allocated more than \$7 million towards overseas assistance projects supporting displaced and vulnerable people overseas, the Minister for Immigration and Citizenship, Chris Bowen MP, who was recently on a five-day visit to India and Sri Lanka, said funding was allocated for 15 projects, including five projects supporting displaced Sri Lankan people through improved health services and provision of shelter and protection.

'The Australian Government is committed to helping people overseas return to their homes safely after fleeing dangerous situations.'

'By improving the quality of life for people in their home countries, this funding also helps to remove the incentive for people to pay people smugglers and attempt dangerous boat journeys to Australia.'

'Through this program, international and non-governmental organisations have been funded to implement a range of projects that look to long-term solutions for refugees and displaced persons.'

## Displaced Persons Program

The 2011-12 DPP is focused on assisting displaced persons with their basic needs. The projects include:

- ChildFund Australia – \$535 508 to assist internally displaced Sri Lankans
- IOM – \$551 019 to assist internally displaced Sri Lankans
- CARE Australia – \$677 531 to assist internally displaced Sri Lankans
- Act for Peace – \$463 116 to assist internally displaced Sri Lankans
- Danish Refugee Council – \$509 658 to assist Sri Lankan Tamils in India
- CARE Australia – \$619 728 to assist Iraqis in Jordan
- CARE Australia – \$600 000 to assist internally displaced Afghans

[Proposals for reform of immigration detention system](#)

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**2012-13 Commonwealth Budget**

[Budget at a Glance](#)

- IOM – \$468 177 to assist Rohingyas in Thailand
- IOM – \$800 000 to assist Afghans from Pakistan
- University of NSW – \$345 375 to assist African refugees in Kenya
- UNHCR – \$534 007 to assist Iraqis in Jordan
- IOM – \$500 000 and \$150 000 to assist Afghan returnees
- UNHCR – \$234 000 for refugees in Malaysia
- Minister's Council on Asylum Seekers and Detention (MCASAD) – \$46 227

<http://www.minister.immi.gov.au/media/cb/2012/cb186379.htm>

### Immigration boss sleeps rough to help homeless

Department of Immigration and Citizenship Acting Secretary Martin Bowles is getting ready to pack his blanket and sleep rough for a night to help this year's Vinnies CEO Sleepout fundraiser.

It involves CEOs, senior business representatives and community leaders experiencing a night out in the cold, with only a sleeping bag and a piece of cardboard as shelter.

“More than 100 000 Australians sleep rough each night and in temperatures close to freezing here in Canberra,” Mr Bowles said today.

“It is important that people such as myself, who need for little, think about those who are in a far more desperate situation than most of us.

“Last year the Australia-wide Vinnies CEO Sleep-out raised \$4.2 million.

“That money is now providing accommodation, crisis care, funded night patrols and many education programs for the homeless.”

[http://www.newsroom.immi.gov.au/media\\_releases/1037](http://www.newsroom.immi.gov.au/media_releases/1037)

### Online video to assist visa overstayers

A new online video message in 14 languages encourages visa overstayers not to delay, but to take action to resolve their immigration status.

The Department of Immigration and Citizenship video – at [www.immi.gov.au/csrs](http://www.immi.gov.au/csrs) – helps visitors to Australia whose visas have expired and are unsure of what information they need, to resolve their situation.

The video tells the stories of three people with visa problems, living with the stress of not knowing where to turn next. The advice it offers is simple: contact Immigration and get the right information.

“Most people do attend one of our offices when they realise they have misjudged their circumstances and their visa has expired,” the spokesman said. “Others hesitate for many different reasons; for example, they may worry that they’ll be immediately detained.

“The reality is that we would normally grant a short-term bridging visa to give the person time to make their own arrangements to depart or, if they are eligible, to apply for an appropriate visa.”

[Budget in Education, Employment & Workplace Relations](#)

[Budget – Refugee Council of Australia report](#)

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The department's Community Status Resolution Service (CSRS) is available to provide a greater level of assistance to people whose cases are less straightforward.

[http://www.newsroom.immi.gov.au/media\\_releases/1033](http://www.newsroom.immi.gov.au/media_releases/1033)

Alternatively, people in this precarious situation should seek the advice of a specialist immigration lawyer or migration agent, who will be able to explore all available legal options with the person.

### **Recommendations for further reform of Australia's immigration detention system**

The Australian Human Rights Commission has welcomed the release of the report of the Joint Select Committee on Australia's Immigration Detention Network on 30 March 2012.

Commission President Catherine Branson QC commended the Committee's Chair, the Hon Daryl Melham MP on his statement that a considered response to the treatment of asylum seekers, mindful of legal and moral human rights obligations, is the mark of a mature and civilised society.

"The Committee's report contains recommendations which reflect measures the Commission has been advocating for years."

They include that:

- Following initial health, identity, character and security checks, asylum seekers be granted a bridging visa or released into community detention.
- People held in immigration detention should be accommodated in metropolitan rather than remote facilities wherever possible.
- The Minister for Immigration be replaced as guardian of unaccompanied minors in immigration detention.
- Consistent child protection arrangements be implemented across the detention network
- Effective review mechanisms be made available to people who have received adverse security assessments from ASIO.
- IHMS staffing levels within immigration detention be reviewed.

The Commission urges the Australian Government to respond to the report as soon as possible.

[http://www.humanrights.gov.au/about/media/media\\_releases/2012/24\\_12.html](http://www.humanrights.gov.au/about/media/media_releases/2012/24_12.html)

### **Streamlined visa arrangements for vocational education and training providers**

International students will find it easier to study at TAFE and other high-quality vocational education and training providers under new streamlined visa arrangements to be introduced in NSW.

Premier Barry O'Farrell announced that streamlined risk-based visa arrangements, currently only available to universities, to high-quality vocational education and training providers including TAFE NSW.

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**Attorney  
General for  
Australia**

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**Speeches**

**APB Education**

"The reforms will reduce the documentary evidence needed by international students, irrespective of their country of origin, intending to study in NSW."

"We have the largest international education industry in Australia but in recent years it has been hit by the double whammy of visa changes and the high Australian dollar," he said.

Extending the availability of streamlined international student visas to the vocational education and training sector was a major element of the Interstate Reform Partnership signed between NSW and Victoria last year. It was a key priority in the NSW strategy for business migration and attracting international students.

The Commonwealth has agreed to introduce the new visa requirements in time for enrolments later this year.

Pam Christie, deputy director general of TAFE NSW, yesterday welcomed the changes which have been endorsed by the Council of Australian Governments, saying they would support the growth of quality education and training providers.

[www.smh.com.au/nsw/streamlined-visa-arrangements-for-vocational-education-and-training-providers-20120424-1xi0l.html](http://www.smh.com.au/nsw/streamlined-visa-arrangements-for-vocational-education-and-training-providers-20120424-1xi0l.html)

For information generally on student visas contact [Jia Li](#) in our office.

### **Unregistered agent's sentence a strong deterrence message**

The Department of Immigration and Citizenship (DIAC) recently welcomed the sentencing of an unregistered migration agent for fraud, saying it sends a strong warning that illegal operators in the migration industry will not be tolerated.

The Australian citizen, who collected payments for providing immigration assistance while not a registered migration agent, was fined \$12 000 in the Perth Magistrates Court. In Australia, migration agents must be registered with the Office of the Migration Agents Registration Authority

A DIAC spokesman said Pacita Boynes, who was previously convicted on similar matters, pleaded guilty to a total of 13 charges under the Migration Act 1958, for offences including making false statements on visa applications and referring people to work in breach of visa conditions.

She is suspected of earning more than \$100 000 by charging fees to both businesses and visa applicants for migration services.

In November 2010, Ms Boynes had to pay the Commonwealth \$50 000 under the first successful proceeds of crime action for migration fraud for her work as an unregistered migration agent.

The spokesman said anyone found to be providing unregistered immigration assistance can face charges under the Migration Act with penalties ranging from two to 10 years' imprisonment and/or fines.

[http://www.newsroom.immi.gov.au/media\\_releases/1024](http://www.newsroom.immi.gov.au/media_releases/1024)

### **Reports find Inverbrackie impact positive**

Findings of two independent research reports on the Inverbrackie immigration facility in the Adelaide Hills have shown definite positive effects on the local community, the Minister for Immigration and Citizenship, Chris Bowen MP, announced recently.

Releasing the two reports, Mr Bowen said he was pleased with the outcomes of the studies, which showed how community engagement led to the successful integration of the facility into the community and the flow-on effects for local business.

The Government commissioned the independent studies shortly after the Inverbrackie Alternative Place of Detention (APOD) opened near Woodside in December 2010.

Mr Bowen said according to the reports, the main benefit of the facility had been local employment.

'The economic study found Inverbrackie has had a significant gross impact on the Adelaide Hills region, with a value-added estimate of around \$40 million,' Mr Bowen said.

'Employment was estimated to have increased with hundreds of full-time positions created, including for local Woodside residents.'

Mr Bowen said in addition to employment opportunities, local businesses directly benefited from increased activity in the area.

<http://www.minister.immi.gov.au/media/cb/2012/cb186026.htm>

### **Skilled American workers to fill labour shortages**

The Minister for Tertiary Education, Skills, Science and Research, Senator Chris Evans, Minister for Immigration and Citizenship, Chris Bowen MP, and the United States Ambassador to Australia, Jeffrey Bleich, have announced measures to assist linking Australian employers with skilled workers in the US to fill skill shortages in key sectors.

With the demand for skilled construction workers likely to peak over the next three to five years as a number of resource projects are due to commence, both governments recognise the potential to match that demand with the potential supply of workers in the US.

These measures will allow workers from the US in licensed occupations, such as electricians and plumbers, to be granted immediate access to provisional Australian licences on arrival. More broadly, the skills assessment process will assure Australian employers how the skills of US workers align with their needs.

'This is a great opportunity to address skill shortages in Australia by filling shortfalls in particular areas with qualified candidates from the United States, with applications expected to open from mid-April.

Under the new skills assessment process, US workers will be assessed against Australian regulatory requirements before entering Australia, providing certainty to applicants and employers.

<http://www.minister.immi.gov.au/media/cb/2012/cb184743.htm>

### **Minister Bowen visits India and Sri Lanka**

The Minister for Immigration and Citizenship, Chris Bowen MP, recently visited India and Sri Lanka to enhance cooperation on border management activities and promote recent changes to Australia's skilled migration program.

Mr Bowen said, 'I look forward to deepening Australia's relationship with both India and Sri Lanka through beneficial discussions on a range of issues of importance to our countries.'

He visited India for two days, where he was scheduled to discuss migration arrangements and reaffirm the importance Australia places on its longstanding bilateral relationship with India.

'India is now one of Australia's largest and growing sources of general skilled migrants and students,' Mr Bowen said.

The minister then visited Sri Lanka in order to conduct talks on irregular migration and migration reforms.

'Australia will continue working closely with Sri Lanka on issues relating to people smuggling, including preventing and disrupting people smuggling ventures by air and sea,' Mr Bowen said.

<http://www.minister.immi.gov.au/media/cb/2012/cb186303.htm>

### Timor ponders fate of thwarted refugees

Fleeing persecution in their homeland, and after years of living in Malaysia as non-citizens, 26 Arakanese Muslims from Burma set out by boat for Australia.

Instead, they washed up in one of the poorest countries in Asia - East Timor. Their boat ran out of fuel off the country's southern coast and their captain abandoned ship and swam to shore.

Now, the 26 men, ranging in age from 14 to 46, are sleeping on mats on the floor of a large conference room of the Directorate of Civil Security in Dili.

While they survive on \$5 a day in handouts from the International Organisation for Migration, no-one has any idea what to do with them; the authorities in East Timor are stumped.

Mr Muhammad said the men had given their money - \$3370 a head - to Indonesian people smugglers to get to Australia, and that was still where they wanted to go.

With the help of a refugee activist, Mark Goudkamp, who was holidaying in Dili last week, they have obtained the forms to apply for an Australian offshore humanitarian visa, but the 32-page documents have so far proved too difficult for them to fill out.

The Australian embassy in Dili referred queries to the Australian Immigration Department, which said they were welcome to apply for humanitarian visas. The International Organisation for Migration could help them, a spokeswoman said.

[www.smh.com.au/national/timor-ponders-fate-of-thwarted-refugees-20120422-1xf5c.html](http://www.smh.com.au/national/timor-ponders-fate-of-thwarted-refugees-20120422-1xf5c.html)

## 2012-13 Commonwealth Budget

### Budget at a Glance

The Government is proposing to return the budget to surplus while ensuring families and small businesses share in the benefits of the resources boom.

The Government states it is returning the budget to surplus on time and as promised.

At the same time, this Budget ensures the benefits of the boom are spread to families and businesses across Australia. Revenue from the Minerals Resource Rent Tax will:

- increase family payments by \$1.8 billion
- create a new Supplementary Allowance worth \$1.1 billion to assist Australians who are hardest hit by the increases in the cost of living
- introduce loss carry-back to support once profitable businesses to return to profit.

This Budget also provides \$2.1 billion to help more families with school children with more generous, timely and flexible support.

Returning to surplus is appropriate as Australia has strong economic fundamentals, with solid growth, low unemployment, record levels of mining investment, and commodity prices still around historical highs.

The Treasurer Wayne Swan stated it is important that the budget return to surplus as it:

- allows monetary policy to respond to economic developments as appropriate, taking account of the near-term challenges facing certain workers and businesses as a result of the patchwork economy and a strong Australian dollar;
- sends a strong message of confidence to the rest of the world of the strength of our economy during a period of heightened global uncertainty.

## KEY INITIATIVES OF THE 2012–13 BUDGET

### *Spreading the benefits of the boom*

- \$1.8 billion to increase Family Tax Benefit Part A
- \$1.1 billion for a new Supplementary Allowance for the unemployed, students and parents with young children, on income support
- An extra \$2.1 billion over five years on a new Schoolkids Bonus
- From 1 July 2012, more than tripling the tax-free threshold from \$6,000 to \$18,200

### *First steps towards a National Disability Insurance Scheme*

- \$1 billion over four years for the first stage of a National Disability Insurance Scheme

### *Helping business to invest*

- Allowing companies to carry back tax losses so they get a refund against tax paid in the previous year,
- From 1 July 2012, delivering tax breaks for small business

### *Investing in key health services*

- \$515.3 million to improve dental services
- Delivering 76 major new regional health infrastructure projects across Australia

### *Building an aged care system for the future*

- A \$3.7 billion package to ensure a better aged care system
- Increasing the number of Home Care packages by nearly 40,000, to nearly 100,000, over the next five years

### *Building a more productive workforce*

- \$1.75 billion National Partnership Agreement on Skills Reform
- Investing an additional \$225.1 million in Jobs, Education and Training Child Care Fee Assistance
- An additional \$101 million of new skills measures to improve quality and better support mature age workers

[http://www.budget.gov.au/2012-13/content/at\\_a\\_glance/html/at\\_a\\_glance.htm](http://www.budget.gov.au/2012-13/content/at_a_glance/html/at_a_glance.htm)

## The Budget in Education, Employment and Workplace Relations

- Mature age job seekers to be given additional assistance
- \$225 million extra for child care to help unemployed parents return to work

- Over one million Australians to benefit from new Supplementary Allowance
- Helping newly unemployed Australians keep more of their savings
- Jobs and sustainable communities for people in remote Australia
- Giving the most vulnerable young Australians the best start in life
- Getting Australians job ready and into work
- Investing to close the gap on Indigenous disadvantage
- Investing in science and maths for a smarter future
- \$7.1 million to help protect Australia's most vulnerable workers

<http://www.deewr.gov.au/Department/Budget/Pages/1213MediaReleases.aspx>

## **The Budget - What it means for refugees and people seeking humanitarian protection Refugee Council of Australia report**

### **KEY POINTS**

- The Refugee and Humanitarian Program will remain static at 13,750 places.
- The Government will be seeking the community's views on the feasibility of introducing a private sponsorship pilot program to enhance the humanitarian program.
- Government funding for refugee and migrant settlement services will total \$334.4 million, an increase of just 1.4%. There will be a decrease in funding for the Humanitarian Settlement Services (HSS) program, primarily as a result of capping the maximum level of humanitarian settlement services to asylum seekers who are found to be owed protection, have been granted a permanent visa and who have been living independently in the community for more than six months. The Government is seeking to save \$13.1 million over four years through the cap.
- Immigration detention costs (administered costs for onshore detention and Offshore Asylum Seeker Management, excluding the Department of Immigration and Citizenship's internal costs) will be approximately \$750 million.
- The health criteria that applicants must meet to obtain an Australian visa will be reformed, with the requirement removed for offshore Humanitarian Visa applicants to meet the Significant Cost Threshold criteria.
- Funding of \$20.2 million over two years (\$12.2 million in administered costs in 2012- 13) will go towards the supervision and support of unaccompanied humanitarian minors. The program provides settlement services to minors who arrive in Australia without a guardian and who are the recipients of a Humanitarian Visa.

### **REFUGEE AND SPECIAL HUMANITARIAN PROGRAM INTAKE**

This reform will commence on 1 July 2012. (See Minister's Report on page 1 of this Newsletter.)

### **GENERAL MIGRATION PROGRAM**

- The general migration program will increase to 190,000 places, up from 185,000 places for 2011-12. The increase in the family program is targeted as an important factor in attracting and retaining skilled migrants.

### **SETTLEMENT AND MULTICULTURAL AFFAIRS**

- Government funding of settlement services for migrants and refugees will increase just 1.4% to \$334.4 million.

- In recognition of the need for enhanced support, supervision and services for unaccompanied humanitarian minors, there will be an increase in funding from \$3.47 million to \$20.2 million over two years
- A grant of \$140,000 will be provided to RCOA to support our core work.

#### **PROCESSING OF ASYLUM SEEKERS AND IMMIGRATION DETENTION**

- In 2012-13, \$59.2 million has been allocated to community and detention services for the onshore detention network, plus \$26.9 million for internal costs associated with onshore detention. DIAC will also pay contractors \$689 million for detention services for asylum seekers managed through the offshore process (asylum seekers arriving by boat). The total costs of offshore asylum seeker management will be just over \$1 billion.
- Payments to the Australian Red Cross Society for the Asylum Seeker Assistance Scheme (for approximately 3,000 cases) will total \$10.9 million.

#### **BORDER SECURITY AND REGIONAL COOPERATION**

- In 2012-13 the Federal Government has allocated \$1.1 billion to border protection measures through the Australian Customs and Border Protection Service and an additional \$142 million for border protection to DIAC.

#### **OVERSEAS AID AND MULTILATERAL ASSISTANCE**

- \$105 million has been allocated to United Nations Humanitarian agencies, including \$19 million to the United Nations High Commissioner for Refugees and \$15 million to the United Nations Relief and Works Agency for Palestine Refugees. The International Committee of the Red Cross will receive \$22 million.

#### **BROADER HUMAN RIGHTS MEASURES**

- A total of \$23.1 million has been allocated to the Australian Human Rights Commission in 2012-13.
- \$2.9 million has been allocated over four years for the Commonwealth Human Rights Education Program.

<http://www.refugeecouncil.org.au/r/bud.php>

#### **\$1.7b boost for TAFE**

NSW will be offered an extra \$561 million during the next five years if it agrees to an overhaul of its vocational education training sector to produce the workers necessary to keep the economy moving.

The Prime Minister has been warning that the nation needs to increase its skills base if the workforce is to adapt to the changing economy.

She has already announced that HECS-style loans - previously provided only to university students - will be made available for advanced diploma courses in fields such as information technology, childcare, aged care, engineering and telecommunications.

Other diploma students will be eligible for subsidies of up to \$7800 a year.

A recent report, titled Skills for all Australians, says the government will expect "additional effort and system reform" in return for the money it is offering.

"The Commonwealth strongly believes that our training system must be aligned with industry and focused on meeting the needs of our changing economy," it says.

"Simply funding additional training places is no longer an adequate response in an environment where international and domestic pressures are changing the way we do business.

"All governments must work to create the national training system ... that more businesses can partner with to develop their workforces, where more students can get the basic qualification they need for a decent job in a higher-skills economy, where disadvantaged individuals and regions participate fully."

[www.theage.com.au/opinion/political-news/gillard-unveils-17b-boost-for-tafe-to-tackle-skilled-worker-shortage-20120318-1vdtl.html](http://www.theage.com.au/opinion/political-news/gillard-unveils-17b-boost-for-tafe-to-tackle-skilled-worker-shortage-20120318-1vdtl.html)

## International Development Assistance

Australia's Official Development Assistance (ODA) will increase to \$5.2 billion in 2012-13 – an increase of \$2 billion. Minister for Foreign Affairs, Senator Carr, said this confirmed Australia could become the sixth largest aid donor in the OECD by 2015-16. "The allocation in the 2012-13 Budget to ODA will increase by over \$300 million from 2011-12 and maintain ODA at 0.35% of Gross National Income (GNI). In a tight fiscal environment, the Government has decided to defer the achievement of providing 0.5 per cent of GNI to official development assistance by one year."

The 2012-13 Budget will over the next four years:

- enable 4 million boys and girls to enrol in school and improve the quality of education for 20 million poor children;
- vaccinate 10 million children and provide access to safe drinking water for over 8.5 million people;
- provide over 2.3 million poor people with access to financial services; and
- provide assistance to an estimated 30 million people in crisis situations.

New aid initiatives for Asia and the Pacific in the 2012-13 Budget include:

- Closing Development Gaps in East Asia
- Overcoming Poverty and Building Stability in the Pacific
- Continuation of the Pacific Police Development Program
- Extension of the AFP commitment to the United Nations Mission in East Timor
- Continuation of Australia's Aid Program in Afghanistan
- Strengthening Preparedness and Response to Humanitarian Crises
- Australia's Development Partnerships with the United Nations
- Development Banks

[http://www.foreignminister.gov.au/releases/2012/bc\\_mr\\_120508b.html](http://www.foreignminister.gov.au/releases/2012/bc_mr_120508b.html)

## Legislative Changes

### New Bill to improve gender equality in the workplace

The Australian Government has introduced legislation into Parliament to improve gender equality in Australian workplaces.

The Minister for the Status of Women, Julie Collins MP, introduced the Equal Opportunity for Women in the Workplace Amendment Bill 2012 and said it would improve gender equality outcomes as well as simplify reporting for businesses.

"This is an important reform aimed at the genuine and sustained removal of barriers to women's full and equal participation in the workforce," Ms Collins said.

“Improving women’s workforce participation is fundamental to closing the gender gap in the workplace and an absolute must if we are to boost Australia’s productive capacity.”

The Bill’s introduction follows a review of the Equal Opportunity for Women in the Workplace Act 1999. It sets out a new regime for the reporting and monitoring of gender equality in a workplace.

“The new Act is the result of extensive consultations with industry, employee organisations and the women’s sector,” Ms Collins said.

[http://www.juliecollins.fahcsia.gov.au/mediareleases/2012/pages/gender\\_equality\\_010312.aspx](http://www.juliecollins.fahcsia.gov.au/mediareleases/2012/pages/gender_equality_010312.aspx)

## Significant Recent Tribunal Decisions

### Refugee Review Tribunal

- **Key words: Refugee, Nepal, Single Women, Single Mothers, Single Nepali women without male protection, Single mother facing systematic discrimination in the workplace and community.**

On 7 May 2012, Refugee Review Tribunal set aside the decision of the Departmental Delegate to refuse the Applicant a Protection Visa, with the direction that the Applicant satisfied s 36(2) (a) of the Migration Act, that is; that the Applicant is a non-citizen to whom Australia has protection obligations under the Refugee Convention.

The Tribunal accepted that Women in Nepal are a ‘particular social group’ for the purposes of the Refugee Convention. The Tribunal found that the Applicant, a young Nepali woman, who had a child out of wed-lock with an Indian National and later abandoned by the father had a well-founded fear of persecution. The Tribunal found that the behaviours exhibited toward the applicant in the family, her community and in a number of workplace settings reflected a pattern of discriminatory practices against women in Nepalese society. The Tribunal accepted that there is a general unwillingness among police, politicians, citizens and government authorities to recognise violence against women in Nepal as a problem. Parish Patience Immigration represented the applicant. Contact [Tina Nematian](#) for more information.

- **Homosexuals and relocation in India**

Despite DIAC’s view that homosexuals can relocate safely to other parts of India, the RRT in the following three recent cases in which we acted decided that internal relocation is not an option for homosexuals because inter alia the familial and social attitudes towards homosexuals remains very negative in India.

- 1111789 RRT [23 April 2012] (Unreported)
- 1111490 [28 March 2012], (Unreported)
- 1111484[28 March 2012], (Unreported)

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

## Prime Minister’s Office

### Council of Australian Governments Meeting

The Council of Australian Governments (COAG) has held its 32nd meeting in Canberra. 2012 marks 20 years since COAG first met in December 1992. The Prime Minister, Premiers, Chief Ministers and the President of the Australian Local Government Association attended the meeting.

COAG signed up to an ambitious set of reforms to the national training system; agreeing to a revised National Agreement for Skills and Workforce Development and a new National Partnership Agreement on Skills Reform. Implementation Plans will be negotiated between governments by 30 June 2012.

Reforms under the National Agreement and National Partnership will provide the skills that Australian businesses and individuals need to prosper in a rapidly changing economy.

Key reforms include:

- Skills Reform
- Business Advisory Forum
- Seamless National Economy Reforms
- National Disability Insurance Scheme
- School Funding Reform
- Mental Health Reform
- Presentations on Issues Relevant to Sustainability and Urban Liveability
- Not-For-Profit Reform
- Expiring National Partnership Agreements
- International Education
- GST Distribution Review

<http://www.pm.gov.au/press-office/council-australian-governments-meeting-communiqu%c3%a9>

## **Attorney-General for Australia**

### **Gillard Government moves to ratify OPCAT**

The Government has tabled a National Interest Analysis that proposes Australia ratify the United Nations Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

"Torture is wholly inconsistent with the Australian Government's fundamental responsibility to protect the rights and dignity of all individuals," Attorney-General Nicola Roxon said.

"Ratifying OPCAT will send a strong message both within Australia and internationally that Australia takes its human rights obligations seriously."

Ratifying OPCAT follows Government legislation passed in 2010 that explicitly criminalises acts of torture committed both within and outside Australia.

The National Interest Analysis indicates that while further work is needed to ensure the arrangements for inspecting places of detention, including prisons, police stations, juvenile detention centres, immigration detention centres and secure mental health facilities, meet the obligations in the Optional Protocol, all necessary steps will be taken to ratify OPCAT at the earliest practicable time.

[www.foreignminister.gov.au/releases/2012/kr\\_mr\\_120228.html](http://www.foreignminister.gov.au/releases/2012/kr_mr_120228.html)

### **Making our nation greater**

Attorney-General Nicola Roxon recently acknowledged the second anniversary of the Australian Human Rights Framework. "This Framework has helped protect and promote human rights in our country to make ours a fairer and a more just society. Over the past two years, the Government has delivered on the Framework's comprehensive package of measures to significantly advance national understanding and respect for human rights. But our work has only really just begun." Ms Roxon said.

Key achievements since the Framework's introduction include:

- all new legislation must now come with a Statement of Compatibility with human rights
- a new Parliamentary Joint Committee to verify the compatibility of new legislation with Australia's international human rights obligations
- training for Commonwealth public servants on Australia's international human rights obligations, and
- \$750,000 in grants for 30 grassroots community human rights education projects.

"The Australian Government is now working to harmonise and consolidate Commonwealth anti-discrimination laws to address inconsistencies and make the system more user-friendly."

<http://www.attorneygeneral.gov.au/media-releases/pages/2012/second%20quarter/21-april-2012---australias-human-rights-framework-is-making-our-nation-greater.aspx>

### **National Children's Commissioner**

The Gillard Government has announced the creation of a National Children's Commissioner within the Australian Human Rights Commission.

Attorney-General Nicola Roxon said that the new Commissioner will focus on promoting the rights, wellbeing and development of children and young people in Australia.

"For the first time, Australia will have a dedicated advocate focussed on the human rights of children and young people at the national level," Ms Roxon said.

"The Children's Commissioner will ensure the voices of children and young people are heard in the development of Commonwealth policies and programs."

The Minister for Families, Community Services and Indigenous Affairs Jenny Macklin said establishing a Federal Children's Commissioner was key action under the Government's National Framework for Protecting Australia's Children 2009-2020.

"We want every child to grow up safe, happy and well. The new Commissioner will represent the views of children and young people, particularly those most vulnerable, at the national level," Ms Macklin said.

The Children's Commissioner will take a broad advocacy role to promote public awareness of issues affecting children, conduct research and education programs, consult directly with children and representative organisations as well as monitor Commonwealth legislation, policies and programs that relate to children's rights, wellbeing and development.

Legislation for the Commissioner will be introduced later this year and the new Commissioner is expected to take office by the end of 2012.

<http://www.attorneygeneral.gov.au/Media-releases/Pages/2012/Second%20Quarter/29-April-2012---Gillard-Government-to-establish-National-Childrens-Commissioner.aspx>

### **Initial results of people smuggling convictions review**

Three Indonesian nationals convicted of people smuggling, who claim they were minors at the time of their interception, have been released from prison and returned to Indonesia following a review of their cases completed by the Attorney-General's Department.

"Minors don't belong in adult gaols, which is why the Government committed to review these cases as quickly as possible," Attorney-General Nicola Roxon said

“Further information has raised sufficient doubt that these three individuals may have been minors at the time of the offence which warrants granting them early release on licence.

“This is not a pardon. These three individuals crewed people smuggling vessels that came to Australia, all three pleaded guilty to that, and they were convicted of that offence.

Under Australian law, the offence of people smuggling applies to both adults and minors.

The Australian Human Rights Commission and the Indonesian Government requested the review, which was announced on 2 May 2012.

Under the review, each of 28 cases is being re-examined using improved age determination processes that were introduced by the Government in 2011.

The Government initially announced it would review the convictions of 24 people smugglers. Since commencing the review, the Government has also decided to review a further four cases.

The Privacy Act prevents the Government from identifying the individuals that are being reviewed or commenting further on individual cases.

[www.attorneygeneral.gov.au/media-releases/pages/2012/second%20quarter/17-may-2012---initial-results-of-people-smuggling-convictions-review.aspx](http://www.attorneygeneral.gov.au/media-releases/pages/2012/second%20quarter/17-may-2012---initial-results-of-people-smuggling-convictions-review.aspx)

## Speeches

*“Skills for All Australians”*

Speech delivered by the Hon Julia Gillard MP, Prime Minister of Australia, on Monday 19 March 2012 in Canberra to launch a national reform program to skill more Australians.

<http://www.pm.gov.au/press-office/speech-launch-skills-all-australians-canberra>

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**Parish Patience Immigration**

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

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

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

