

Table of Contents

Department of Immigration and Border Protection	2
Reforming skilled migration	2
Significant Investor Visa Program	3
Restoring TPVs	4
Safe Haven Enterprise Visa	4
Accessing Superannuation Benefits – Former Temporary Residents	5
From Barcelona to Bondi.....	6
Local migration agreements to provide economic boosts	6
Two thirds of Australians support migration	7
Former defence force chief slams asylum seeker policy	7
Banned criminal a migration agent for suspect 457 visa scheme	8
Subclass 457 Review recommendations.....	8
Recommendation 1 – Core solutions.....	9
Recommendation 2 – Core solutions.....	9
Recommendation 3 - Core solutions	9
Recommendation 4 - Market Salary Rate.....	9
Recommendation 5 - Temporary Skilled Migration Income Threshold	10
Recommendation 6 - Training benchmarks.....	10
Recommendation 7 - English language requirement	11
Recommendation 8 - Genuine position requirement.....	12
Recommendation 9 - Skills assessments	12
Recommendation 10 - Sponsorship.....	12
Recommendation 11 - Fees.....	13
Recommendation 12 - Information provision.....	13
Recommendation 13 A streamlined approach	13
Recommendation 14 - Labour Agreements	14
Recommendation 15 - Pathways to permanent residence	14
Recommendation 16 - Role of education	14

Recommendation 17 - Monitoring	15
Recommendation 18 - Inter-agency cooperation	15
Recommendation 19 - Fair Work Ombudsman	15
Recommendation 20 - Fair Work Commission	15
Recommendation 21 - Sanctions.....	15
Recommendation 22 - Systems enhancements	16
Recent Court Decisions	16
Higher Education and Research Reform Amendment Bill 2014	16
Human Rights.....	17
New UN human rights chief attacks Australia over asylum seeker rights ‘violations’	17
Protecting women from forced labour in South East Asia	17
Momentous Occasion for Greek aged care facility	18
Serious Invasions of Privacy in the Digital Era	18
A.P.B. Education.....	19
Specialist IELTS Test Training and Coaching	19
Contact us.....	20

Department of Immigration and Border Protection

Reforming skilled migration

The Government will reform the 457 visa programme for skilled migrants, while maintaining strong safeguards against abuse.

The 457 programme must be a means of filling genuine skills gaps in the local labour market while not placing unnecessary administrative burdens on business.

An effectively managed skilled migration programme ensures foreign workers supplement rather than substitute Australian workers. A business that is forced to close because it is unable to access the labour that it requires employs no-one. That is a lose–lose situation.

Following an independent review of the 457 programme, the Government will:

- streamline the processing of sponsorship, nomination and visa applications to reward low risk applicants and refocus compliance and monitoring activities on high risk applicants;
- increase the sponsorship approval period from 12 to 18 months for start-up businesses, to give start-ups more time to make their businesses sustainable;
- provide greater flexibility in relation to English language testing and skill requirements for 457 applicants, to ensure that the standards required are appropriate for the industries and occupations being sought; and
- retain the Temporary Skilled Migration Income Threshold at \$53 900, ahead of a review within the next two years.

Safeguards will remain in place to ensure that the 457 visa programme is not rorted. It will continue to be a requirement that a foreign worker receives at least the same market rates and conditions that are paid to an Australian doing the same job in the same workplace.

Significant Investor Visa Program

The Government will also expand and improve the Significant Investor Visa programme.

At present, SIVs are available for applicants having an eligible investment in Australia of A\$5 million, for a minimum of four years.

The Government will reform the programme to encourage more high net worth individuals to make Australia home and to leverage and better direct additional foreign investment, while maintaining safeguards to ensure the migration programme is not misused.

Changes will include:

- Streamlining and speeding up visa processing, further promoting the programme globally and strengthening integrity measures, to increase the attractiveness of investing and settling in Australia while ensuring Australia's interests are protected;
- aligning the criteria for eligible investments with the Government's national investment priorities. The investment eligibility criteria will be determined by Austrade in consultation with key economic and industry portfolios;
- introducing a Premium Investor Visa (PIV), offering a more expeditious, 12 month pathway to permanent residency than the SIV, for those meeting a \$15 million threshold; and
- tasking Austrade to become a nominating entity for the SIV (complementing the current State and Territory governments' role as nominators) and to be the sole nominating entity for the PIV.

The changes to the SIV will take effect during 2014-15, with the Premium Investor Visa to be introduced from 1 July 2015.

The Government will soon make further announcements on the recommendations of reviews into both the 457 and SIV programmes.

Restoring TPVs

The Coalition Government has secured support of the Palmer United Party to reintroduce Temporary Protection Visas (TPVs) to assist resolving Labor's legacy caseload of 30,000 Illegal Maritime Arrivals (IMAs).

'We are stopping the boats, with just one venture having arrived this year, and we are now seeking to resolve the backlog of 30,000 IMAs

TPVs were foolishly abolished by Labor and the Greens in 2008

'Denying permanent protection visas to IMAs has been Coalition policy for over a decade and was overwhelmingly backed by the Australian people at the 2013 election.

'Under new legislation - the *Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Bill 2014* - two new temporary visas will be established. These visas will not provide a pathway to a permanent protection visa in Australia.

'IMAs found to be owed protection will be offered a TPV for up to 3 years. TPVs do not include family reunion or a right to re-enter Australia. Holders will have access to targeted support arrangements including: work rights, access to employment services and mutual obligation, access to Medicare and income support, torture and trauma counselling, translating and interpreting services, complex case support and access to education for school aged children.

'A further temporary visa, a Safe Haven Enterprise Visa (SHEV) - will be introduced as an alternative to a TPV.

Safe Haven Enterprise Visa

A Safe Haven Enterprise Visa (SHEV) - where holders work in a designated self-nominated regional area to encourage filling of job vacancies - will be introduced as an alternative to a TPV.

'SHEVs will be valid for 5 years and like TPVs will not include family reunion or a right to depart and re-enter Australia.

'SHEV holders who have worked in regional Australia without requiring income support for three and a half years of their visa period will then be eligible to apply for other onshore visas to be granted where they satisfy the relevant criteria. They will not be eligible for a permanent protection visa.

'If a SHEV holder was to access government assistance to study for a degree, diploma or trade certificate in a designated regional area, this would not be classified as accessing social security benefits for the purposes of calculating the period required before the holder becomes eligible to apply for other onshore visas.

'The new visa arrangements will allow the government to commence processing asylum claims of the legacy caseload. More rapid processing and streamlined review arrangements, as detailed at the election, will be implemented.

Accessing Superannuation Benefits – Former Temporary Residents

This scheme allows certain eligible people to request payment of superannuation benefits accrued while they were in Australia. The eligibility requirements are set out in the Superannuation Industry (Supervision) Regulations 1994.

1. If you accumulated superannuation while in Australia as a holder of a Temporary Resident visa, you are eligible to claim a Departing Australia Superannuation Payment if you meet all of the following requirements:
 - you have left Australia
 - you have previously been a Temporary Resident in Australia
 - the Temporary Resident visa that you held while you were in Australia can no longer be used (that is, it has expired or it has been cancelled by us).
 - you are not an Australian citizen, an Australian permanent resident or a New Zealand citizen.

2. If you are an Australian Citizen, an Australian Permanent Resident, a New Zealand Citizen or for some other reason have an option of retiring in Australia and have access to the age pension, then you will generally not be eligible for payment of your superannuation benefits until you have reached retirement age. If you held a subclass 405 or a subclass 410 visa

3. If the Temporary Resident visa that you held while you were in Australia was a subclass 405 (Investor Retirement) visa or a subclass 410 (Retirement) visa, you should contact the Australian Taxation Office to find out whether you can claim any superannuation benefits accrued during your time in Australia.

How to claim a Departing Australia Superannuation Payment

[Individual Superannuation – home](#)

Requesting cancellation of your Temporary Resident visa

[Form 1194 Certification of immigration status](#) (298KB PDF file)

[Fees & Charges – Certificates of Status](#)

Where to send Form 1194

Once you have completed Form 1194 requesting visa cancellation and/or Certification of Immigration Status, send the form to us.

Email: Super.hobart@immi.gov.au

Not sure if you have superannuation money in Australia?

See: [SuperSeeker](#)

<http://www.immi.gov.au/allforms/superannuation/>

From Barcelona to Bondi

The signing of a reciprocal work and holiday visa arrangement between Australia and Spain will give young people from both countries a unique opportunity to experience the vibrancy of each other's culture, Minister for Immigration and Border Protection said.

The arrangement means young people from Australia and Spain will have the opportunity to experience short-term work and study arrangements in each other's country.

The agreement will facilitate cultural exchange between the two countries, both in terms of the once-in-a-lifetime experience for the individuals involved, and in terms of the insights they will bring back to their home countries.

'The reciprocal work and holiday visa arrangement fosters people-to-people links between the two countries, bolstering our already close and positive relationship,'

The agreement will enable up to 500 young adults from Spain and 500 young adults from Australia to enjoy a holiday in each other's country.

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.

Announcements on the implementation of the Work and Holiday visa, as well as further information on the programme, can be found at www.immi.gov.au

<http://www.minister.immi.gov.au/media/mc/2014/mc217583.htm>

Local migration agreements to provide economic boosts

The Department of Immigration and Border Protection has finalised guidelines for Designated Area Migration Agreements (DAMA) which will stimulate local economies providing more business and job opportunities for Australians in areas experiencing labour and skills shortages, Assistant Minister for Immigration and Border Protection Senator the Hon Michaelia Cash said today. The DAMA proposal, commenced under the former Labor government as regional migration agreements, has been developed after extensive negotiations with state and territory governments and other stakeholders including labour unions. It is important to be clear that these agreements require employers to pay workers at least the same wage as Australian workers.

Where employers within the agreement area are unable to recruit Australian workers, DAMAs can support them to supplement their workforce with skilled overseas workers.

If businesses cannot access labour then they cannot create more jobs for Australians. Targeted skilled migration under the DAMA guidelines will provide incentives to grow businesses and local economies for the benefit of Australians.

DAMAs are designed to ensure employers recruit Australians as a first priority and prioritise initiatives and strategies to facilitate the recruitment and retention of Australian workers.

Any DAMA request must be endorsed by the relevant State or Territory government before the department would consider an application. Unions, business and community stakeholders must be consulted prior to requesting a DAMA. The principles underpinning DAMAs include providing opportunities for Australians first, maintaining a fair work environment and comprehensive consultation.

<http://www.minister.immi.gov.au/media/mc/2014/mc217447.html>

Two thirds of Australians support migration

A new survey reveals that two-thirds of Australians support current or higher migration levels, revealing robust support for an influx of migrants to support the world's most multi-cultural society. Almost half the people surveyed by Newspoll support Australia's existing immigration intake, which settled 190,000 immigrants last year. Two-thirds of those who migrated were skilled migrants. A further twenty-two per cent surveyed were in favour of an even higher intake. Support was strongest amongst young Australians, high income earners and residents of capital cities.

When asked about where they would like to see new migrants from, European, African and Asian migration enjoyed the strongest public support.

Concetta Fierravanti-Wells, the parliamentary secretary to the Minister for Social Services, spoke on Australia's immigration levels saying that the country has absorbed 7.5 million migrants since 1945, including over 800,000 refugees. "We put our commitment to Australia and its values first, and we are a culturally diverse nation with one of the most cohesive societies on earth.

<http://www.visabureau.com/australia/news/28-07-2014/new-report-reveals-two-thirds-of-australians-support-immigration.aspx>

Former defence force chief slams asylum seeker policy

The defence force chief responsible for border protection under the Howard government has slammed the federal government's asylum seeker policy.

Admiral Chris Barrie described detention centres as "jails" and said the policies enacted by Immigration Minister Scott Morrison were a "mess that reflect badly on all of us".

Speaking at a book launch in Sydney Admiral Barrie said: "Australians are doing their utmost to extinguish hope, the most powerful of human emotions." The admiral was chief of the Australian Defence Force between 1998 and 2002.

Admiral Barrie said the demonising of asylum seekers in Australia's detention centres was a central concern for him.

<http://www.smh.com.au/federal-politics/political-news/former-defence-force-chief-chris-barrie-slams-asylumseeker-policy-20140904-10ccgp.html>

Banned criminal a migration agent for suspect 457 visa scheme

A criminal who was found by the Australian Securities and Investments Commission to have impersonated a lawyer and engaged in other fraudulent behaviour remains licensed by the federal government to provide immigration advice. An investigation into serious failings in the nation's immigration system has also identified several new cases of alleged migration crime that were reported to the Immigration Department but ignored.

Immigration Minister Scott Morrison demanded the department provide him with an urgent report on the allegations. But the government has stalled the release of findings from an inquiry into the 457 visa scheme after a spokeswoman for Assistant Immigration Minister Michaelia Cash said only that the government was considering its recommendations.

One of the cases involved a well-known Melbourne restaurant, whose owner was charging Indian nationals up to \$50,000 in return for sponsoring them on 457 skilled workers visas to work in the kitchen. The visa holders often did not perform any skilled role and had to pay some of their wages to the restaurateur.

In another case, a Sydney lawyer said that he attempted to report to the federal government a case involving a corrupt IT company and a migrant agent. The lawyer claimed the company was exploiting overseas workers in a scheme that involved underpaying them in return for sponsoring them on a 457 visa. His complaint was "snubbed off".

The department has begun investigating multinational contractor Murphy Pipe and Civil after revelations it was involved in skilled workers visa frauds on major resources projects. The migrant agent, still licensed by the government, despite being a criminal and banned by ASIC, is Rudy Noel Frugtniet.

His migrant agent's registration allows him to charge visa applicants in return for giving them advice and dealing with the government and tribunals on their behalf. Only agents who are 'persons of integrity' may be licensed.

Managing Partner David Bitel advises intending migrants to check with the Office of the Migration Agents Registration Authority which provides information for consumers about their rights and the code of conduct of registered migration agent.

Subclass 457 Review recommendations

The Minister for Immigration and Border Protection, Scott Morrison, has discussed the Government's response to the just released report by the panel conducting the Independent Review into Integrity in the Subclass 457 programme.

The review report, [Robust New Foundations: A Streamlined, Transparent and Responsive System for the 457 Programme](#), is available on the Department of Immigration and Border Protection's website.

The Minister praised the report for its “balanced and measured” 22 recommendations.

Minister Morrison did not give any details of the implementation date for the recommendations, but said that the Government will give a detailed response “in the weeks and months ahead”.

Recommendation 1 – Core solutions

1.1 That, in lieu of the existing Ministerial Advisory Council on Skilled Migration, a new tripartite ministerial advisory council, which is not necessarily prescribed in legislation, be established to report to government on skilled migration issues.

1.2 That the new ministerial advisory council be supported by a dedicated labour market analysis resource.

Recommendation 2 – Core solutions

2. Acknowledging that, as the OECD has pointed out, employer-conducted labour market testing is not “fully reliable”, and in the Australian context has proven ineffective, that the current legislative requirement for labour market testing be abolished.

Recommendation 3 - Core solutions

3.1 That the Consolidated Sponsored Occupations List be retained as a list of occupations which are at Skill Level 3 and above, and that the Consolidated Sponsored Occupations List should be able to be amended by two means: first, the addition of skilled occupations which can be shown to exist in the community but which may not be on the ANZSCO list; and, second, the refinement of the Consolidated Sponsored Occupations List in cases where there may be integrity or appropriateness concerns. Any occupations not on the list, which are usually referred to as semi-skilled, may be addressed as part of the Labour Agreement regime.

3.2 That the new ministerial advisory council provide advice on those occupations where some concern exists and recommend additional requirements or limitations on occupations and/or regions.

Recommendation 4 - Market Salary Rate

4. That the market rate framework continue to operate as a core component of the

457 programme, but that the earnings threshold above which there is an exemption from

the need to demonstrate the market rate should be aligned with the income level above

which the top marginal tax rate is paid (currently at \$180 000).

Recommendation 5 - Temporary Skilled Migration Income Threshold

5.1 While there is an argument for abolishing the Temporary Skilled Migration Income Threshold, that it nevertheless be retained to allow for streamlining within the wider programme, and that concessions to the Temporary Skilled Migration Income Threshold be afforded under Labour Agreements, Enterprise Migration Agreements and Designated Area Migration Agreements, as appropriate.

5.2 That the current Temporary Skilled Migration Income Threshold be retained at \$53 900 p.a. but that it not undergo any further increases until it is reviewed within two years.

5.3 That the two roles currently performed by the Temporary Skilled Migration Income Threshold (that is, acting as a determination of the eligibility of occupations for access to the scheme and as an income floor) be more clearly articulated in the 457 programme, and that consideration be given to accepting the eligibility threshold as up to 10 per cent lower than the Temporary Skilled Migration Income Threshold.

5.4 That the government give further consideration to a regional concession to the Temporary Skilled Migration Income Threshold, but only in limited circumstances where evidence clearly supports such concession.

5.5 That in circumstances where the base rate of pay is below the Temporary Skilled Migration Income Threshold, the current flexible approach adopted by the department, taking into account guaranteed annual earnings to arrive at a rate that meets the minimum requirement of Temporary Skilled Migration Income Threshold be continued and made more visible to users of the programme and their professional advisors.

Recommendation 6 - Training benchmarks

6.1 That the current training benchmarks be replaced by an annual training fund contribution based on each 457 visa holder sponsored, with the contributions scaled according to size of business.

6.2 That any funding raised by way of a training contribution from sponsors of 457 visa holders be invested in:

- a) training and support initiatives, including job readiness, life skills, and outreach programmes for disengaged groups, particularly youth who have fallen out of the school system;
- b) programmes allowing employers to take on apprentices/trainees from target groups, including Indigenous Australians and those in rural and regional areas;
- c) mentoring programmes and training scholarships aimed at providing upskilling opportunities within the vocational training and higher education sectors that address critical skills gaps in the current Australian workforce. Target sectors include those industries, such as nursing and the IT sector, that rely heavily on 457 workers; and,
- d) training and support initiatives for sectors of critical national priority. Target sectors include industries experiencing significant increase in labour demands, such as the aged care and disability care sectors.

6.3 That funds raised through the training contribution be dedicated to this training role and that the government reports annually on how these monies are spent by the Department of Industry.

6.4 That there be a new sponsor obligation to ensure that the cost to the sponsor of the training contribution cannot be passed onto a 457 visa holder or third party.

Recommendation 7 - English language requirement

7.1 That the English language requirement be amended to an average score.

For example, in relation to International English Language Testing System, the 457 applicant should have an average of 5 across the four competencies (or the equivalent for an alternative English language testing provider).

7.2 That greater flexibility be provided for industries or businesses to seek concessions to the English language requirement for certain occupations on a case by case basis, or under a Labour Agreement, Enterprise Migration Agreement or Designated Area Migration Agreement, as appropriate.

7.3 That consideration be given to alternative English language test providers.

7.4 That consideration be given to expanding the list of nationalities that are exempt from the need to demonstrate they meet the English language requirement.

7.5 That instead of the current exemption which requires five years continuous study, five years cumulative study be accepted.

Recommendation 8 - Genuine position requirement

8.1 That there be targeted training for decision-makers in relation to the assessment of the genuine position requirement.

8.2 That before decision-makers refuse a nomination on the basis of the genuine position requirement, the sponsor be invited to provide further information to the decision-maker.

Recommendation 9 - Skills assessments

9. That the government should explore how skills assessments could more appropriately recognise a visa applicant's experience.

Recommendation 10 - Sponsorship

10.1 That Standard Business Sponsors should be approved for five years and start-up business sponsors for 18 months.

10.2 That as part of the government's deregulation agenda, the department should develop a simplified process for sponsor renewal.

10.3 That the department consider combining as many sponsorship classes as possible.

10.4 That when more detailed information is available, the department should investigate

the alignment of overseas business and Labour Agreement sponsorship periods with the general Standard Business Sponsorship approval period.

10.5 That the timeframe for the sponsor to notify the department of notifiable events as set out in legislation should be extended to 28 days after the event has occurred.

10.6 That the department should explore options that would enable the enforcement of the attestation relating to non-discriminatory employment practices.

10.7 That it be made unlawful for a sponsor to be paid by visa applicants for a migration outcome, and that this be reinforced by a robust penalty and conviction framework.

Recommendation 11 - Fees

11. That the government should review the fee structure, especially for secondary visa applicants and visa renewal applications.

Recommendation 12 - Information provision

12.1 That sponsors be required to include as part of the signed employment contract:

- a) a summary of visa holder rights prepared by the department; and,
- b) the Fair Work Ombudsman's Fair Work Information Statement.

12.2 That improvements be made to both the accessibility and content on the department's website specific to 457 visa holder rights and obligations, and utilising the department's significant online presence more effectively to educate 457 visa holders on their rights in Australia.

Recommendation 13 A streamlined approach

13.1 That consideration be given to creating streamlined processing within the existing 457 programme as a deregulatory measure. To maintain programme integrity, streamlining should be built around risk factors including business size, occupation, salary and sponsor behaviour.

13.2 That should the recommended nomination and visa streamlining outlined in this

report be implemented, the department should investigate a redefined accredited sponsor system. Current accredited sponsors should retain their priority processing benefits until their sponsorship ceases; however, no further sponsors should be afforded accredited status until a new system is implemented.

Recommendation 14 - Labour Agreements

14.1 That Labour Agreement negotiation times be significantly improved to enable a demand-driven and responsive pathway for temporary migration, where the standard 457 programme arrangements are not suitable.

14.2 That to enable the Labour Agreement pathway to be more open and accessible for additional industry sectors, consideration be given to the development of other template agreements that will address temporary local labour shortages in industries of need.

Recommendation 15 - Pathways to permanent residence

15.1 That 457 visa holders be required to work for at least two years in Australia before transitioning to the Employer Nomination Scheme or Regional Sponsored Migration Scheme, and that consideration be given to the amount of time required with a nominating employer being at least one year.

15.2 That consideration be given to reviewing the age restriction on those 457 visa holders transitioning to the Employer Nomination Scheme or Regional Sponsored Migration Scheme.

15.3 That consideration be given to facilitating access for partners of primary sponsored 457 visa holders to secure permanent residence under the Temporary Residence Transition stream.

Recommendation 16 - Role of education

16. That consideration be given to the allocation of more resources to programmes aimed at helping sponsors understand and comply with their obligations, whether those

programmes are delivered directly to sponsors or through the migration advice profession.

Recommendation 17 - Monitoring

17. That greater priority be given to monitoring, and that the department continue to enhance its compliance model to ensure those resources are applied efficiently and effectively.

Recommendation 18 - Inter-agency cooperation

18.1 That there be greater collaboration between the department and the Australian

Taxation Office to uphold integrity within the 457 programme and minimize the burden on employers.

18.2 That a change to 457 visa conditions be introduced to place an obligation on the visa holder to provide the department with their Australian tax file number.

Recommendation 19 - Fair Work Ombudsman

19.1 That the Fair Work Ombudsman's current complementary role in monitoring compliance and referral of findings to the department for action should continue.

19.2 That the department should provide information in real time that is both current and in a format compatible with that of the Fair Work Ombudsman..

Recommendation 20 - Fair Work Commission

20.1 That the department monitor decisions of the Fair Work Commission, so as to determine if sponsors have breached obligations or provided false and misleading information

20.2 That the department require sponsors, when lodging a new nomination application to certify that there has been no change to the information provided to the department in relation to whether the business or an associated entity has been subject to "adverse information" as that term is defined in the legislation.

Recommendation 21 - Sanctions

21.1 That dedicated resourcing be made available to the department to enable the

investigation and prosecution of civil penalty applications and court orders.

21.2 That the department disclose greater information on its sanction actions and communicate this directly to all sponsors and the migration advice profession as well as placing information on the website.

Recommendation 22 - Systems enhancements

22. That the department investigate the feasibility of system improvements that facilitate greater linkages with information held by other government agencies.

Migration Institute of Australia Notice 107

Recent Court Decisions

Higher Education and Research Reform Amendment Bill 2014

The Bill aims to reform higher education by deregulating fees and extending demand driven funding to higher education qualifications below the level of bachelor degree, including higher education diplomas, advanced diplomas and associate degrees, and also to private universities and non-university higher education providers.

The Bill would enable providers to determine the amount that students contribute to the cost of their courses and restructures Commonwealth subsidies for Commonwealth supported places to ensure a more equal sharing of costs between taxpayers and students.

To improve access to higher education for all Australians, the Bill directs higher education providers with 800 or more Commonwealth supported places to provide 20 per cent of additional revenue to a Commonwealth Scholarship Scheme.

The Bill also includes a number of changes to the Higher Education Loan Programme (HELP): including new indexation arrangements for HELP debts, a new minimum repayment threshold, removal of loan fees and lifetime fee limit and discontinuation of the HECS-HELP benefit.

Human Rights

New UN human rights chief attacks Australia over asylum seeker rights 'violations'

Australia has been accused of a "chain of human rights violations" in its treatment of asylum seekers by the incoming United Nations High Commissioner for Human Rights, Prince Zeid Ra'ad Al-Hussein.

In his maiden address to the UN Human Rights Council, the Jordanian prince has also challenged plans to resettle those found to be refugees in "countries that are not adequately equipped".

Prince Zeid castigates Australia over the policy of offshore processing of asylum seekers and the interception and turning back of vessels at sea.

He says the policy has led to human rights violations including "arbitrary detention and possible torture following return to home countries".

A career diplomat, Prince Zeid took over the role from Navi Pillay of South Africa last month. His rebuke of Australia comes in a speech that begins by addressing escalating human rights violations in Syria and Iraq.

"Human rights are not reserved for citizens only, or for people with visas," "They are the inalienable rights of every individual, regardless of his or her location and migration status.

"A tendency to promote law enforcement and security paradigms at the expense of human rights frameworks dehumanises irregular migrants, enabling a climate of violence against them and further depriving them of the full protection of the law."

Australia's Human Rights Law Centre seized on the address, saying it is "embarrassing" the centre's director of legal advocacy, Daniel Webb said the speech demonstrated the seriousness with which Australia's "flagrant breaches of international law" were regarded on the world stage.

<http://www.smh.com.au/federal-politics/political-news/new-un-human-rights-chief-attacks-australia-over-asylum-seeker-rights-violations-20140907-10dlkx.html>

Protecting women from forced labour in South East Asia

The Australian Government has established a new project to help prevent the abuse and exploitation of women migrant workers in South East Asia.

About 21 million people are victims of forced labour globally, with around half in Asia Pacific region. Total illegal profits obtained from the use of forced labour worldwide amount to an estimated \$160 billion per year.

UN Women, the UN agency responsible for promoting gender equality and women's empowerment, will work together with governments and key national and regional actors to implement the project.

This project will form part of the Australian Government's wider commitment to combat human trafficking and slavery in South East Asia, including the 50 million flagship program, the *Australia-Asia Program to Combat Trafficking in Persons (AAPTIP)*.

Momentous Occasion for Greek aged care facility

The Assistant Minister for Immigration and Border Protection said she was proud to announce the commencement of the first direct labour agreement between the Australian government and a health and community services provider, Fronditha Care Nursing Facility in Victoria.

Senator Michaelia Cash said that with the labour agreement programme forming a small, but important part of Australia's overall skilled migration programme, it is exciting that facilities such as Fronditha Care have the ability to bring skilled, bilingual workers to bolster their workforce.

'Fronditha Care is an example of the importance of nurturing cultural identity in a supportive environment, as an integral part of maintaining wellbeing into older age'.

It is the only organization providing a range of residential and support services to the Greek speaking elderly in Victoria, and on any given day the organization is likely to provide care for more than 2000 elderly, employing more 560 personnel.

This labour agreement will allow Fronditha Care to sponsor bilingual Greek – speaking overseas workers with qualifications in aged care to supplement its existing workforce. The government recognizes that our population is aging and there is an increasing need for aged care workers who speak language of those they are caring for.

A labour agreement is a formal arrangement developed between an Australian employer and the Australian Government, and places significant obligations on the employer, defining employer obligations such as the terms and conditions of employment for the skilled overseas workers and training requirements for Australian employees. It also defines the required skill and English language levels that overseas workers must meet under the agreement.

Serious Invasions of Privacy in the Digital Era

The Australian Law Reform Commission's Final Report, *Serious Invasions of Privacy in Digital Era* (Report 123, has been 2014) tabled in Parliament and is now publicly available.

The Terms of Reference for this Inquiry, required the ALRC to design a tort to deal with serious invasions of privacy in the digital era. In this Report, the ALRC provides the detailed legal design of such a tort located in a new Commonwealth Act and makes sixteen other recommendations that would strengthen people's privacy in the digital environment.

ALRC Commissioner for the Inquiry, Professor Barbara McDonald, said "The ALRC has designed a remedy for invasions of privacy that are serious, committed intentionally or recklessly and that cannot be justified as being in the public interest – for example, posting sexually explicit photos of someone on the internet without their permission or making public someone's medical records. The recommendations in the Report also recognize that while privacy is a fundamental right that is worthy of legal protection, this right must also be balanced with other rights, such as the right to freedom of expression and the freedom of the media to investigate and report on matters of public importance.

The Report also recommends that a new Commonwealth surveillance law be enacted to replace existing state and territory laws, to ensure consistency of surveillance laws throughout Australia, and a number of other reforms to supplement the statutory cause of action.

The Report and a Summary Report is available to freely download or purchase in hard copy from the ALRC website.

The Report is also freely available as an ebook.

ALRC reports and publications:
<http://www.alrc.gov.au/publications>

A.P.B. Education

Specialist IELTS Test Training and Coaching

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

- Reading
- Speaking
- Writing
- Listening

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

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

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