

With the advent of the new Federal Government in Canberra, 2008 proved to be a year of great change, particularly in the fields of Immigration and Human Rights. Many more of these changes are on the drawing board. Multicultural Affairs and Indigenous Affairs also felt the winds of change.

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### Immigration Minister reflects on a year of change

Minister for Immigration and Citizenship, Senator Chris Evans, was guest speaker at the RCOA Annual General Meeting at Parramatta Town Hall in Western Sydney on November 17. Invited to speak on Australian refugee policy one year after the election of the Rudd Government, Senator Evans outlined both the changes which had occurred in 12 months (such as end of offshore detention and temporary protection regimes and new approaches to detention) and the growing list of policies potentially up for review (including work rights for asylum seekers and complementary protection). In his speech, the Minister made at least five new announcements:

- 5000 Bhutanese refugees will be resettled in Australia over the next five years, as the Government explores multi-year planning for the offshore refugee program.
- 120 people on Temporary Humanitarian Concern visas (subclass 786), previously excluded from permanent residency, will now be offered permanent visas as part of the abolition of the Temporary Protection Visa.
- The Government is exploring a resolution of the issue of detention debts.
- The Department of Immigration and Citizenship (DIAC) will be establishing an Onshore Protection Consultative Group to have input into asylum policy reforms.
- The Government is "having a comprehensive look at the fundamentals of our humanitarian program", including reviewing the link between the offshore and onshore aspects of the program.

He also revealed that the cost of operating the Nauru and Manus Island detention centres was \$309.8 million over 6 ½ years. The Minister's speech is at:  
<http://www.refugeecouncil.org.au/who/agm.html>

### Parliamentary Committee to investigate migration and disability

The Minister for Immigration and Citizenship, Senator Chris Evans, and the Parliamentary Secretary for Disabilities and Children's Services, the Hon Bill Shorten, announced that they will ask the Joint Standing Committee on Migration to look at the health requirement in the *Migration Act* and how it impacts on people with a disability. Senator Evans said the case of Dr Bernhard Moeller and his family had publicly highlighted concerns about the effect of the regulations on people with a disability applying for permanent visas for Australia.

"I have concerns that although they are small in number, there are cases where families currently living in Australia who have a family member with a disability require Ministerial intervention to resolve their application for permanent residency," Senator Evans said. "It raises the broader question about how the health requirement in the *Migration Act* deals

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with people with a disability."

See: <http://www.minister.immi.gov.au/media/media-releases/2008/ce08115.htm>

Human Rights Commissioner, Graeme Innes congratulated Immigration Minister, Chris Evans on the way he has dealt with the Moeller case. "In coming to his decision to grant permanent residency to the Moeller family, Minister Evans made three decisions that highlighted his sensitivity to disability and discrimination issues," Commissioner Innes said.

See: [http://www.humanrights.gov.au/about/media/media\\_releases/2008/135\\_08.html](http://www.humanrights.gov.au/about/media/media_releases/2008/135_08.html)

## **Integrity review of temporary overseas worker scheme released -**

### **Deegan Report on Subclass 457 visas**

The Minister, Senator Evans has released the Deegan Report. Industrial relations expert Barbara Deegan was appointed in April to conduct a broad review into the integrity of the temporary skilled migration program (Subclass 457 visa). "The Rudd Government believes it is important that temporary skilled overseas workers do not place an additional burden on Australia's public health system," Senator Evans said.

The report can be found at: <http://www.minister.immi.gov.au/media/media-releases/2008/457-integrity-review-report-report.pdf>

### **Cash-for-certificates companies raided**

In what could be one of the largest-ever migration scams involving overseas students, nine businesses were raided in connection with allegations that they charged thousands of dollars for fake certificates and work references. Nine Melbourne businesses - including a private training college, a curry restaurant, graphic design studios and business and education consultants - were raided by federal immigration officers and the Australian Federal Police.

Migration sources said it was believed similar scams were operating in other capital cities. A spokesman for the Department of Immigration said: "It is alleged that for a fee those involved have been providing clients with fraudulent education qualifications and bogus work references to assist them in obtaining Australian permanent residence through the skilled migration program."

Several people are likely to be charged with migration fraud offences following a year-long investigation. The main office raided was registered as a business consultancy owned by Gary Zhou and Jane Zhao. It was allegedly operating as an unregistered migration agency. Immigration sources said the company allegedly co-ordinated a scam believed to involve hundreds of international students, mainly from China and India. Potential applicants are warned not to produce any false document with an application, and we remind readers that the Migration Act contains heavy criminal sanctions for people convicted of producing false documents, and also permits DIAC to cancel a visa of someone when the visa is granted as a result of the production of false documents.

See: <http://www.smh.com.au/articles/2008/12/28/1230399045722.html>

## **New appointments to Migration and Refugee Review Tribunals**

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Senator Chris Evans announced the appointment of five Senior Members to the Migration Review Tribunal (MRT) and the Refugee Review Tribunal (RRT). All have been appointed for five years commencing on 1 January 2009 and ending on 31 December 2013.

See: <http://www.minister.immi.gov.au/media/media-releases/2008/ce08121.htm>

## **Afghans sent home to die**

The Immigration Minister has demanded answers to allegations that up to 20 Afghan asylum seekers rejected by Australia under the Howard government's so-called Pacific Solution were killed after returning to Afghanistan, and others remain in hiding from the Taliban. The claims are contained in a documentary aired on SBS on November 19. The film, *A Well-Founded Fear*, produced by Anne Delaney, is based on the excellent efforts of Phil Glendenning, the director of social justice agency the Edmund Rice Centre, who has spent the past six years tracing many of these rejected asylum seekers.

About 400 Afghans detained on Nauru were returned to Afghanistan after having their asylum claims rejected. They were told by Immigration officials it was safe to go home, and that if they refused, they would remain in detention forever, according to accounts given to Mr Glendenning. Another 400 who refused to go voluntarily were eventually found to be refugees and were resettled in Australia or other countries including New Zealand. Mr Glendenning says he has documented the deaths of nine of the rejected Afghans at the hands of the Taliban, but he believes the figure is actually about 20.

See: <http://www.smh.com.au/articles/2008/10/26/1224955853319.html>

## **Boat people conspiracy smashed**

Indonesian police say they have smashed a people-smuggling ring and arrested the kingpin of the syndicate responsible for sending rickety vessels laden with asylum-seekers on the perilous journey to Australia.

Brigadier General Badrodin Haiti, director for national security at Indonesian police headquarters, told the *Sydney Morning Herald* that the arrest of an Iranian, Haj Sakih, his accomplices and some Indonesians had smashed a big people-smuggling racket. The syndicate had smuggled scores of asylum-seekers, most of them Middle Eastern, to Australia over the past three years. "He is a big fish," Brigadier General Haiti said of Sakih. "His connection is with Iran, Iraq and Afghanistan. He smuggled people to Australia several times, both successfully and unsuccessfully."

See: <http://www.smh.com.au/articles/2008/12/04/1228257229958.html>

## **Lone children found on people-smuggling boats**

Unaccompanied children are increasingly turning up as asylum seekers on vessels attempting to cross from Indonesia to Australia, Senator Chris Evans said.

People-smugglers charge up to \$18,000 for the trip from the Middle East and Sri Lanka, meaning families can sometimes only afford to send one member. "People have bought the eldest son a ticket," Senator Evans said.

This week, Indonesian police stopped a boat as it was about to depart from West Timor to Australia. Among the 13 asylum-seekers detained was a nine-year-old and two 17-year-

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olds. Other boats that have made it to Australia have also included minors.

See: <http://www.smh.com.au/articles/2008/12/05/1228257324477.html>

### **Boost for border patrols as more boat people arrive**

The Federal Government will intensify border protection efforts after a boat carrying 47 people intercepted off the coast near Broome became the latest indication of an increase in people smuggling activity. The 44 passengers and three crew on board the boat were taken to Christmas Island. The Minister for Home Affairs, Bob Debus, said they would be detained there and processed by immigration officials.

Mr Debus said the Government would strengthen border security in coming weeks by assigning an extra navy vessel and another Air Force surveillance aircraft to detect people-smuggling and other illegal activity.

See: <http://www.smh.com.au/articles/2008/12/07/1228584656059.html>

### **People smuggling charges affirm strong border message**

Senator Chris Evans said the arrest and charging by the Australian Federal Police of two Indonesian nationals on people smuggling charges sent a strong warning to people smugglers in the region. The charges against two of the crew of the Timor Sea vessel bring to three the number of people charged with people smuggling offences recently.

See: <http://www.minister.mmi.gov.au/media/media-releases/2008/ce08101.htm>

### **Extradition of people smuggler**

An alleged boss of a people-smuggling syndicate will be extradited from Indonesia to Australia in the first move of its kind and a sign of deepening co-operation in the fight against trafficking illegal immigrants. The Prime Minister, Kevin Rudd, revealed the impending extradition of dual Iranian-Iraqi citizen Hadi Ahmadi after meeting the Indonesian President, Susilo Bambang Yudhoyono.

Since September six boats carrying asylum seekers have crossed to Australia and a further 15 boatloads of potential refugees have been intercepted before they left Indonesia. Ahmadi was arrested by Indonesian authorities in June and is allegedly responsible for sending 10 boats containing 900 illegal immigrants on the dangerous journey by sea to Australia between 1999 and 2001. In Australia, people-smugglers can face up to 20 years in prison.

See: <http://www.smh.com.au/articles/2008/12/10/1228584930041.html>

### **Visa worker deaths double in a year**

More migrants working on 457 visas have died since Labor won the federal election than in more than three years under the previous government, Immigration Department records show.

Despite assurances that the Immigration Minister, Chris Evans, was cleaning up the system, at least six temporary skilled workers have died since Labor came to power a year ago. Three work-related deaths were recorded from 2004 until the Coalition lost office. A migration analyst, Bob Kinnaird, said the increase was staggering. "This is a matter of life and death. It can't get any more serious."

The Government is under pressure to adopt changes recommended by the recent Deegan report into the 457 scheme. It said workers should be paid at market rates, not minimum salary levels, and allowed more flexibility in changing employers once in Australia.

See: <http://www.smh.com.au/news/national/visa-worker-deaths-double-in-a-year/2008/11/17/1226770...>

### **Changes to citizenship test welcomed**

Changes to the citizenship test announced by the Federal Government were welcomed by National Race Discrimination Commissioner Tom Calma who said increasing the transparency of the test would make it fairer for new citizens. The Australian Human Rights Commission had actively pursued improvements to the citizenship process since it was introduced by the previous Federal Government in October 2007.

See: [http://www.humanrights.gov.au/about/media/media\\_releases/2008/129\\_08.html](http://www.humanrights.gov.au/about/media/media_releases/2008/129_08.html)

### **States urged to support regulations for health waiver**

Senator Chris Evans urged state and territory leaders to support Migration Regulations which will allow for a possible waiver of the health requirement for certain permanent visa applicants in areas of demonstrated need. All applicants for permanent visas must meet the health requirement and any health or community care issue with significant cost implications can lead to the health requirement not being met and a visa being refused.

See: [http://www.minister.immi.gov.au/media/media\\_releases/2008/ce08114.htm](http://www.minister.immi.gov.au/media/media_releases/2008/ce08114.htm)

### **High security detention centre**

The Federal Government has been forced to open the \$400 million detention centre on Christmas Island, in effect an admission that it is struggling to cope with an influx of boat people. The Minister for Immigration, Chris Evans, has previously resisted pressure to open the centre despite a steadily increasing number of arrivals, saying the 800-bed centre had been "inherited" from the Howard Government and was not suitable for children and families.

The Immigration Department will announce the latest boatload of 37 suspected asylum seekers, intercepted 200 kilometres north-east of Darwin, will be held at the new centre. There are already 135 Afghan, Iranian and Sri Lankan asylum seekers on the island, but they live in a construction camp, the old detention centre at Phosphate Hill, or in the community.

The statement from the Immigration Department says: "The Government's policy is to open the new facility when numbers and separation arrangements require it." But it says no women, children, or families will live in the new centre, consistent with the Government's policy, which prohibits children from being locked up in detention.

See: <http://www.brisbanetimes.com.au/articles/2008/12/18/1229189810273.html>

### **Migration to tackle economic crisis**

Migrants with urgently needed skills or jobs already lined up will be given priority to enter Australia, after the migration program was changed recently to deal with the economic crisis and industry demand.

From January 1 the intake of permanent migrants will favour workers with badly needed skills. The migrants, many of whom are sponsored by employers, will have their applications speeded up. The forecast number of permanent skilled migrants remains at 133,500 for the year to June 30.

In previous years the program had delivered a "less than optimal outcome in terms of the mix of skills and occupations", he said. "In the last three years, just five occupations, out of the hundreds available, accounted for almost half the visas granted to primary applicants." For example, while Australia took in 28,800 accountants in the three years to 2007-08, it attracted only 300 carpenters.

The list of skills in critical shortage will focus on medical and IT professionals, engineers and construction trades. "Fast-tracking professionals on the critical skills list would ensure the economy gets the skills it needs now, not just those applicants who applied first," Senator Evans said.

See also the government announcement of General Skilled Migration in relation to the new prioritisation of processing of general skilled migration applications with effect 01 January 2009.

See: <http://www.smh.com.au/articles/2008/12/17/1229189709703.html>

### **High Court gets fourth woman**

Virginia Bell is to become Australia's next High Court judge, the federal government says. Justice Bell will be appointed to the Court from February 3 this year.

Justice Bell, 57, will be the 48th judge and the fourth woman appointed to the High Court since Federation. She will replace Michael Kirby who served on the bench for 13 years. Justice Bell is currently an appeal judge with the NSW Supreme Court.

The appointment was heralded as a red letter day for the legal profession, and was warmly received by black letter lawyers. Announcing the appointment, the Attorney-General, Robert McClelland, said Justice Bell would bring a social conscience to the court. She was chosen for her expertise in criminal law, he said. "Justice Bell will have a depth of experience from literally the grassroots of legal practice upwards," he said. "Justice Virginia Bell is clearly an outstanding lawyer and will serve law and the Australian community with distinction."

See: <http://www.smh.com.au/articles/2008/12/15/1229189518021.html>  
and <http://www.smh.com.au/articles/2008/12/15/1229189534072.html>

### **Legislative Changes**

## **New laws to protect overseas workers pass Parliament**

Senator Chris Evans has welcomed the passage through Parliament with bipartisan support of new laws to better protect temporary overseas workers in Australia. The subclass 457 visa program is an uncapped scheme driven by labour market demand which enables employers to sponsor overseas workers to fill nominated skilled positions in Australia for up to four years.

See: <http://www.minister.immi.gov.au/media/media-releases/2008/ce08120.htm>

The Minister has just announced changes to the Skilled Migration program. In this context, "skilled migration" refers to both employer sponsored visa applicants and General Skilled Migration applicants. These changes will be effective from 01 January 2009.

## **Employer-sponsored permanent migration**

Employer-sponsored permanent migration applications will be fast-tracked. In his press release, the Minister said that "this could see employer sponsored visas occupying an increasing share of the skilled program, with 36,000 visas likely in the current year".

## **General Skilled Migration**

For General Skilled Migration applications (both onshore and offshore), priority processing will be given to those who have State or Territory sponsorship or have a nominated occupation in the new "Critical Skills List (CSL)". This list focuses on medical and key IT professionals, engineers and construction trades.

In a document entitled "2008-09 Migration Program Changes Frequently asked questions" it states in Question 8 that "Occupations that are not included in the CSL will not be given priority processing unless the applicants have a job offer or are sponsored or nominated by a state or territory government."

DIAC is allowing States and Territories to sponsor up to 500 people a year who do not have occupations on their state list.

"The South Australian Government Financing Authority (SAFA) is reinstating the Designated Investment for General Skilled Migration program (bonus points for capital investment) administered by the Commonwealth Department of Immigration and Citizenship (DIAC). This programme is only for those applicants who applied prior to 1<sup>st</sup> September 2007 and who are instructed by DIAC to invest a minimum amount of \$100,000 for at least one year to gain the extra points.

## **Historic same-sex reforms pass Parliament**

Attorney-General Robert McClelland has welcomed the passage through Parliament of historic legislation that will remove same-sex discrimination from a wide range of Commonwealth laws. The changes provide for equality of treatment between same-sex and opposite-sex de facto couples.

See: [http://www.attorneygeneral.gov.au/www.ministers/RobertMc.nsf/Page/MediaReleases\\_2008\\_FourthQuarter\\_27November2008-HistoricSame-SexReformsPassParliament](http://www.attorneygeneral.gov.au/www.ministers/RobertMc.nsf/Page/MediaReleases_2008_FourthQuarter_27November2008-HistoricSame-SexReformsPassParliament)

The Human Rights Commissioner, Graeme Innes welcomed the passage of legislation guaranteeing equal rights to superannuation savings for Commonwealth public servants. The new superannuation legislation is part of a series of bills that remove discrimination against same-sex couples in Commonwealth laws.

See: [http://www.humanrights.gov.au/about/media/media\\_releases/2008/134\\_08.html](http://www.humanrights.gov.au/about/media/media_releases/2008/134_08.html)

## Human Rights

### Awards

#### Human Rights Medal

The prestigious 2008 Human Rights Medal has been awarded to formidable international and domestic Indigenous advocate, Les Malezer. Mr Malezer was presented with his Medal by Commonwealth Attorney-General Robert McClelland at the Australian Human Rights Commission's annual Human Rights Medals and Awards Ceremony in Sydney.

Commission President, Justice Catherine Branson QC, said deciding on the Medal winner from a quality field of human rights advocates was a difficult but inspiring task. "Les' efforts stood out for his sheer capacity to overcome seemingly insurmountable barriers in improving access to justice and human rights for Indigenous peoples worldwide."

#### Literature Non-Fiction Award

Awarded to Linda Briskman, Susie Latham and Chris Goddard for ***Human Rights Overboard: Seeking asylum in Australia.***

This award recognises this clearly and comprehensively presented book covering Australia's immigration detention regime and refugee policy.

"These awardees are truly an inspiration and motivation for us all in building the sort of Australia we want to live in – where respect for the individual is recognised as precious and where everyone is valued – whether they are male or female, young or old, an Aboriginal or Torres Strait Islander, whatever their faith and whether or not they have a disability," Justice Branson said.

See: [http://www.humanrights.gov.au/about/media/media\\_releases/2008/151\\_08.html](http://www.humanrights.gov.au/about/media/media_releases/2008/151_08.html)

#### Australia reaffirms its commitment to Human Rights

On 10 December 2008, Human Rights Day and the 60<sup>th</sup> anniversary of the Universal Declaration of Human Rights, Australia contributed \$1.5 million to projects promoting human rights in 19 countries across the Asia-Pacific, Africa and the Middle East. On 10 December 1948, Australia joined 47 other countries to adopt the Universal Declaration of Human Rights.

See: [http://www.ausaid.gov.au/media/release.cfm?BC=Media&ID=1151\\_7542\\_7640\\_2418\\_190](http://www.ausaid.gov.au/media/release.cfm?BC=Media&ID=1151_7542_7640_2418_190)

#### Keynote speech on human rights

Australia's Parliamentary Secretary for Pacific Island Affairs, Duncan Kerr SC, has delivered the keynote speech at a regional consultation on human rights for Pacific parliamentarians being held in Brisbane in December 2008.

Australia supports regional human rights through a range of targeted development assistance programs as well as through initiatives such as formal Human Rights Dialogues with Pacific nations. "We as elected parliamentarians ought never to cease promotion of basic human rights like the right to a fair trial, to free speech, and to equality of opportunity and freedom from discrimination on grounds of race, gender, disability or religion," Kerr said.

See: <http://www.foreignminister.gov.au/parlsec/releases/2008/dk018.html>

### **Ombudsman's 2007-08 annual report**

Nearly 40,000 people contacted the office of the Commonwealth Ombudsman for assistance during 2007-08, a 20% increase on the previous year. The report also draws out themes by pointing to the broader lessons that a single complaint or problem can teach. The report also sets out some of the challenges faced by the office in discharging its new function of reviewing complaint handling in the Australian Federal Police, and dealing with complaints about the Northern Territory Emergency Response.

See: [http://www.comb.gov.au/commonwealth/publish.nsf/Content/mediarelease\\_2008\\_10](http://www.comb.gov.au/commonwealth/publish.nsf/Content/mediarelease_2008_10)

### **The Haneef case**

The Attorney-General, Robert McClelland, acknowledged that mistakes were made in the Haneef case "at the highest level" when he released the 310-page report by the former Supreme Court Judge John Clarke, QC, who paints a picture of an unco-ordinated security and police apparatus that was blind to assessments - particularly from ASIO - that the Indian-born doctor was not a threat.

A relieved Dr Haneef, speaking in Dubai where he is now working, said the report "gives me a clean sheet - that I was totally innocent". While he said he held no resentment for Australia, he did want an apology, but both the Rudd Government and the Coalition refused to say sorry.

The report found that the Australian Federal Police commander who led the investigation, Ramzi Jabbour, had "lost objectivity" and the senior prosecutor, Clive Porritt, gave advice that was "obviously wrong and should never have been given".

Mr McClelland accepted the report's recommendations to improve the oversight and co-ordination of the nation's terrorism laws and security agencies but said the inquiry was not designed to be a witch-hunt. "At the end of the day, political leaders and agency heads must accept responsibility for errors that occurred on their watch," he said. Mr McClelland said he had "full confidence" in all agency heads, including the AFP Commissioner, Mick Keelty, and was not empowered to take disciplinary action against junior officers criticised in the report.

Dr Haneef, who lives with his wife and child in Dubai, was asked if he felt any resentment to Australia. "Not at all," he said. "It's not in my nature to hold anything like that against anyone ... I don't have any special enmity for any of these agencies or any of these persons." He said his lawyers would decide on whether to pursue a compensation claim.

See: <http://www.brisbanetimes.com.au/articles/2008/12/23/1229998558043.html>

## Law reform not the sole responsibility of law reform agencies

In a presentation to the Australian Law Reform Agencies Conference held during September 2008, PIAC CEO, Robin Banks, argued that there are a range of individuals and organisations that work – both together and separately – to achieve effective law reform.

Each has a role to play; some being more prominent than others depending on the circumstances. Collaboration between the various players and recognition of the important role each has to play is vital to meeting the challenge and achieving the promise of law reform.

To view the presentation, go to

[http://www.piac.asn.au/publications/pubs/sub2008092\\_20080912.html](http://www.piac.asn.au/publications/pubs/sub2008092_20080912.html)

## Rudd's vow to homeless

A plan to halve the number of homeless in Australia and accommodate all people sleeping rough by 2020 has received widespread support. Welfare agencies have called it bold and revolutionary.

The Prime Minister, Kevin Rudd, made the White Paper on homelessness, *The Road Home*, public with a pledge in Sydney yesterday to outlay \$1.2 billion over four years to build new housing and improve services. The program was first announced after the Premiers' conference in November 2008. The Federal Government, the states and territories have promised to provide \$800 million for action on homelessness and support services and \$400 million on building more housing.

About 105,000 people are homeless each night, with 16,000 sleeping rough. "A country like this should not have this problem, so large and longstanding, without being addressed," Mr Rudd said. "It's time we had a decent solution to this problem that has been around for a long time."

The executive director of the Brotherhood of St Laurence, Tony Nicholson, said the plan was by far the most substantial commitment to tackling homelessness ever seen in Australia.

See: <http://www.smh.com.au/articles/2008/12/21/1229794246611.html>

## Homeless World Cup – 56 Nations One Goal

There are one billion homeless people living in our world today.

The Homeless World Cup exists to end this, so we all have a home, a basic human need. The Homeless World Cup is an annual, international football tournament, uniting teams of people who are homeless and excluded to take a once in a lifetime opportunity to represent their country and change their lives forever. It has triggered and supports grass roots football projects in over 60 nations working with over 25,000 homeless and excluded people throughout the year.

The first tournament took place in Graz 2003 uniting 17 national teams. Melbourne was the host city for the last tournament from 1-7 December 2008. The impact is consistently significant year on year with 73% of players changing their lives for the better by coming off drugs and alcohol, moving into jobs, education, homes, training, reuniting with families and

even going on to become players and coaches for pro or semi-pro football teams.

See: <http://www3.homelessworldcup.org/content/about-us>

See results of the Cup at: <http://www.abc.net.au/news/stories/2008/12/07/2439947.htm>

### **No excuse for violence against women**

Race Discrimination Commissioner Tom Calma said, "If we are growing up in a society where one in three boys think that it is OK to hit a girl, we as parents and guardians have to wake up and take responsibility for ensuring our male children grow up learning - at home, at school, in the sporting field and in all other activities they undertake - that violence against women is most assuredly not acceptable in our society."

See: [http://www.humanrights.gov.au/about/media/media\\_releases/2008/128\\_08.html](http://www.humanrights.gov.au/about/media/media_releases/2008/128_08.html)

### **Violence against women in our region**

Tanya Plibersek, Minister for the Status of Women, released the report Violence Against Women in Melanesia and East Timor. Minister Plibersek said Australia is taking a leadership role in the region, having now completed almost all of the necessary steps to accede to the United Nations Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

See: [http://www.ausaid.gov.au/media/release.cfm?BC=Media&ID=1283\\_3859\\_2823\\_5033\\_5578](http://www.ausaid.gov.au/media/release.cfm?BC=Media&ID=1283_3859_2823_5033_5578)

### **Sexual harassment findings announced**

Sex Discrimination Commissioner Elizabeth Broderick said, "Our research shows that sexual harassment continues to be a problem in the modern workplace, particularly because there seems to be a significant lack of understanding, among both women and men, about what behaviours constitute sexual harassment." The Australian Human Rights Commission's recent Sexual Harassment National Telephone Survey found that 22 per cent of women and 5 per cent of men have experienced sexual harassment in Australian workplaces.

See: [http://www.humanrights.gov.au/about/media/media\\_releases/2008/121\\_08.html](http://www.humanrights.gov.au/about/media/media_releases/2008/121_08.html)

### **Optional Protocol and Paid Maternity Leave Scheme**

When Australia ratified CEDAW in 1983, it expressly refused to agree to provide paid maternity leave for Australian women by placing a reservation so that it would not be bound by article 11(2)(b), which sets out the right to paid maternity leave. The Commissioner said that removal of the reservation under CEDAW and introduction of a national scheme of paid maternity leave would represent the next steps for the government in its commitment to implementation of CEDAW and gender equality in Australia.

See: [www.humanrights.gov.au/about/media/media\\_releases/2008/133\\_08.html](http://www.humanrights.gov.au/about/media/media_releases/2008/133_08.html)

### **Prenuptial rights for same-sex, unmarried**

Unmarried and same sex-couples may soon be able to sign "prenups", giving de factos many of the same legal rights as those who are wed. Reforms to the Family Law Act before the Senate would allow agreements to be drawn up by de factos to cover spousal and child maintenance, as well as the division of property in the event of a relationship breakup.

The bill was circulated in Federal Parliament on September 18 2008 and is awaiting consideration by the Senate. If the legislation is passed, it is expected to be enacted by March 2009.

A de facto relationship can be heterosexual or homosexual and can exist even if one of the people involved is legally married to someone else or has another de facto partner.

See: <http://www.smh.com.au/articles/2008/10/18/1223750399550.html>

### **A day to remember courageous people**

On the 10th international transgender day of action, Human Rights Commissioner, Graeme Innes encouraged Australians to take time to consider the horrors and difficulties that discrimination can inflict upon people who are gender diverse. "This is a day on which we need to pause to reflect on the fact that people who are gender diverse, including people who are transgender, experience a great deal of discrimination in our society," said the Commissioner.

See: [www.humanrights.gov.au/about/media/media\\_releases/2008/126\\_08.html](http://www.humanrights.gov.au/about/media/media_releases/2008/126_08.html)

### **Howard's sedition laws to be abolished**

The Howard government's controversial ban on sedition will be scrapped and replaced with legislation that bolsters the protection of free speech under a series of changes to the nation's terrorism laws.

The Attorney-General, Robert McClelland, has flagged plans to increase oversight of the national security apparatus and promised to accept the bulk of the recommendations from the Clarke inquiry, a 2006 Australian Law Reform Commission report on sedition and a parliamentary committee report on intelligence and security. The new counter-terrorism laws - to be drafted in the first half of next year - will cover attacks that cause psychological as well as physical harm and will remove the term "sedition" to focus on crimes that urge violence.

Mr McClelland said the changes would provide a more "balanced" approach to national security. The Howard government's sedition laws - which the commission said failed to distinguish between dissent and genuine incitement to violence - had come under heavy attack for restricting free speech and academic freedoms. The commission's president, David Weisbrot, said he believed the Government was implementing the report in full and the changes would remove legal uncertainties.

See: <http://www.smh.com.au/articles/2008/12/23/1229998526761.html>

### **Multicultural Affairs**

## Multicultural Australia

The Rudd Government has brought a word back to Australian politics that disappeared under the Howard government. Yesterday it announced the formation of the Australian Multicultural Advisory Council to advise it on promoting social cohesion and stemming racism. Its predecessor was allowed to lapse in 2006 and Australia has been without a multicultural policy since.

The 16-member council, which includes representatives from the Jewish, Filipino, Chinese and Islamic communities as well as human rights and anti-discrimination experts, will be chaired by the chief executive of the AFL, Andrew Demetriou.

The Immigration Minister, Chris Evans, said yesterday that cultural diversity was an asset to the country. "The Government considers Australia's approach to immigration and cultural diversity to be a national strength," he said.

The director of the Federation of Ethnic Communities' Councils of Australia, Peter van Vliet, said it was crucial for the Government to consult business, academic and community leaders on multicultural affairs. "The Government needs advice on top of the departmental advice it receives in this area."

See: <http://www.smh.com.au/articles/2008/12/17/1229189709694.html>

## Diversity of Australia's people

"In less than a lifetime we have changed from an Anglo-Celtic society of fewer than eight million to a multicultural society of more than 21 million. Cultural diversity is a source of both social and economic wealth."

See: [http://www.minister.immi.gov.au/parlsec/media/media\\_releases/2008/lf08069.htm](http://www.minister.immi.gov.au/parlsec/media/media_releases/2008/lf08069.htm)

## Australia must continue fight against intolerance

Australians must not become complacent where intolerance was concerned, the Parliamentary Secretary for Multicultural Affairs and Settlement Services, Laurie Ferguson, said on – the International Day for Tolerance.

Mr Ferguson said Australia is one of the most multicultural countries in the world. 'Over the past 60 years, Australians have welcomed millions of people from more than 200 countries to become part of the Australian community,' Mr Ferguson said. 'A majority of Australians enthusiastically embrace Australia's multicultural identity.'

According to the Declaration of Principles on Tolerance\* of 16 November 1995:

- tolerance is respect, acceptance and appreciation of the rich diversity of our world's cultures, our forms of expression and ways of being human
- tolerance is not concession, condescension or indulgence.

\*The UNESCO Declaration of Principles on Tolerance can be found at <http://www.un-documents.net/dpt.htm>.

## **One stop shop for information on anti-discrimination**

This single website will provide a one-stop shop for all Australians to access information relevant to their discrimination issue. 'This one-stop shop will make it easier and simpler for individuals and businesses to get information on human rights and the relevant anti-discrimination commission.' The project implements a recommendation of the House of Representatives Standing Committee on Legal and Constitutional Affairs' reports on Harmonisation of legal systems within Australia and between Australia and New Zealand.

See: [http://www.attorneygeneral.gov.au/www/ministers/RobertMc.nsf/Page/MediaReleases\\_2008\\_FourthQuarter\\_7November2008-OneStopShopforInformationonAnti-Discrimination](http://www.attorneygeneral.gov.au/www/ministers/RobertMc.nsf/Page/MediaReleases_2008_FourthQuarter_7November2008-OneStopShopforInformationonAnti-Discrimination)

## **Indigenous Affairs**

### **Still riding for freedom 40 years later**

Gaps in our legal system around human rights protection continue to have a real and devastating effect on the life chances for Aboriginal people in Australia more than 40 years after Aboriginal leader Charlie Perkins first undertook the freedom ride, Aboriginal and Torres Strait Islander Social Justice Commissioner Tom Calma said. Mr Calma called for a Charter of Rights that provided comprehensive recognition of human rights consistent with Australia's international obligations and for a strengthening of human rights protections in our legal system.

See: [www.humanrights.gov.au/about/media/media\\_releases/2008/110\\_08.html](http://www.humanrights.gov.au/about/media/media_releases/2008/110_08.html)

### **Compulsory income management to continue as key NTER measure**

The Government will consult with Indigenous communities in the development of this framework. In particular, comprehensive income management will continue while the Government designs and consults on a new compulsory income management policy which does not involve the suspension of the Racial Discrimination Act.

See: [http://www.fahcsia.gov.au/internet/jennymacklin.nsf/content/inter\\_measure\\_23oct08.htm](http://www.fahcsia.gov.au/internet/jennymacklin.nsf/content/inter_measure_23oct08.htm)

### **Legal training set to help communities fight violence locally**

Intensive training to skill up community workers in Indigenous communities in a bid to prevent family violence will start in Sydney. This training provides practical skills to community legal education workers working with Indigenous communities in efforts to eradicate family violence.

See: [www.humanrights.gov.au/about/media/media\\_releases/2008/144\\_08.html](http://www.humanrights.gov.au/about/media/media_releases/2008/144_08.html)

## **Suicide tragedies**

Aboriginal and Torres Strait Islander Social Justice Commissioner Tom Calma says the West Australian community of Narrogin is in urgent need of culturally appropriate health services to help stem a disturbing pattern of suicide in the community. "I will be asking the Western Australian government, the federal government and the local council to take urgent action and work with the Narrogin Aboriginal community to fund and develop culturally appropriate health services before another life is lost," he said.

See: [www.humanrights.gov.au/about/media/media\\_releases/2008/105\\_08.html](http://www.humanrights.gov.au/about/media/media_releases/2008/105_08.html)

## **Communities plan for national action**

This year over 140 organisations bid for a total of half a million dollars in funding which will bring groups of Australians together.

A new project in Port Pirie, South Australia will bring together young Indigenous men with older men from the local Italian fishing community to work on the restoration of a heritage listed boat.

See: <http://www.minister.immi.gov.au/parlsec/media/media-releases/2008/lf08065.htm>

## **Inclusive approach is essential if NT emergency response is to continue**

"The new relationship forged between government and Indigenous Australians in the aftermath of the National Apology to the Stolen Generations gives government exactly the climate and the motivation it needs to commit to moving beyond an emergency response and working with Indigenous communities to make lasting improvements," Commissioner Tom Calma said. "I urge the government to revisit the 10-point plan submitted in the Social Justice Report to Parliament in March this year for guidance as to how to ensure the emergency response in the Northern Territory does not become another lost opportunity."

See: [www.humanrights.gov.au/about/media/media\\_releases/2008/104\\_08.html](http://www.humanrights.gov.au/about/media/media_releases/2008/104_08.html)

## **New report on developing indigenous enterprises**

The House of Representatives Aboriginal and Torres Strait Islander Affairs Committee has recommended starting an Indigenous Supplier Development Council in its new report *Open for Business: Developing Indigenous Enterprises in Australia*.

See: [http://www.aph.gov.au/house/house\\_news/index.asp](http://www.aph.gov.au/house/house_news/index.asp)

## **Banks to raise indigenous staff numbers**

In an unexpected twist, indigenous Australians may be largely immune from job cuts in banking as the big banks continue to commit to affirmative action plans in the face of a global economic downturn.

ANZ signed up to the ambitious jobs scheme conceived by the West Australian billionaire Andrew Forrest after announcing earlier that it would cut 800 staff by the end of the year. The bank will hire one indigenous worker in every 10 entry-level staff by 2011, it said, if the Australian Employment Covenant could find and train willing employees. The new target would almost double the number of Aboriginal trainees from 107 this year to 180 next year. He said natural turnover in entry-level positions alone would provide up to 352 jobs for indigenous workers by 2011.

See: <http://www.smh.com.au/articles/2008/12/12/1228585118363.html>

### **New indigenous group**

Social Justice Commissioner, Tom Calma, welcomed the request from Indigenous Affairs Minister Jenny Macklin, for him to convene an independent Indigenous Steering Committee to develop a model for a new National Indigenous Representative Body.

See: [http://www.humanrights.gov.au/about/media/media\\_releases/2008/152\\_08.html](http://www.humanrights.gov.au/about/media/media_releases/2008/152_08.html)

### **United Nations**

#### **The nine million program**

In Thailand refugee toddlers get a pre-school headstart on education and teenagers learn vital computer skills. In Azerbaijan refugee children have new playgrounds and learn to swim. In Uganda, thousands of refugee children are getting text books for the first time.

The unifying reason in these countries, together with help provided in Kenya, Liberia and Chad, is the funds raised through the nine million programme to help children driven from their homes by conflict and violence. The programme is about to grow – with a goal of enhancing education for nine million children by 2010. The UNHCR programme is aimed at providing Education (Plus) – education beyond the existing schooling now offered by UNHCR – to nine million refugee children by 2010. Education (Plus) will provide resources to develop a child's full potential, with an emphasis on girls' participation and additional activities like life-skills training, sport programs, disease prevention and access to technology.

For UNHCR, education is a basic refugee right, one that is vital in restoring hope and dignity to people driven from their homes, a tool to help them get back on their feet and build a better future.

See: <http://www.unhcr.org/events/46e7db842.html>

#### **Australian elected to UN committee**

Professor Ron McCallum AO has been elected as one of 12 experts to the first monitoring committee for the Convention on the Rights of Persons with Disabilities at the United Nations headquarters in New York.

See: <http://www.unityunaa.info/>

## Foreign Affairs

### Concrete Outcomes from PNG Visit

Parliamentary Secretary for International Development Assistance Bob McMullan said his visit to PNG would result in both countries getting to work on how to deliver the Pacific Partnership for Development. PNG and Australia will also explore how we can work with Port Moresby Technical College and the project joint venture partners to help develop the skills people will need to work on the LNG project.

See: [http://www.aisaid.gov.au/media/release.cfm?BC=Latest&ID=1797\\_4626\\_736\\_5957\\_6262](http://www.aisaid.gov.au/media/release.cfm?BC=Latest&ID=1797_4626_736_5957_6262)

### New facility to accelerate Australia's international disaster response

Bob McMullan opened the Joint Emergency Stores Warehouse in Brisbane, a partnership between the Australian Government and three humanitarian relief agencies. This pioneering facility will be fun in partnership with the Australian Agency for International Development (AusAID) and Australian NGOs Oxfam, World Vision and the Australian Red Cross.

See: [http://www.aisaid.gov.au/media/release.cfm?BC=Latest&ID=4087\\_4736\\_1512\\_4352\\_7829](http://www.aisaid.gov.au/media/release.cfm?BC=Latest&ID=4087_4736_1512_4352_7829)

### \$10 Million in humanitarian assistance for the Palestinian authority

The Hon Stephen Smith MP, Minister for Foreign Affairs met with Palestinian Authority Foreign Minister Riyad Al-Malki in Ramallah and advised him that the Australian Government will provide \$10 million in assistance for the Palestinian Authority and people. Of the \$10 million, \$7.5 million will be budget support for the Palestinian Authority delivered via the World Bank's Palestinian Reform and Development Plan trust fund.

See: [http://www.foreignminister.gov.au/releases/2008/fa-s162\\_08.html](http://www.foreignminister.gov.au/releases/2008/fa-s162_08.html)

### Helping Cambodia to protect world heritage icon

Australia has made a contribution through UNESCO's World Heritage Centre to help fund the Angkor Heritage Management Framework. Australian consultants have been involved in the development of the Angkor Heritage Management Framework, coordinated through UNESCO's World heritage Centre.

[http://www.aisaid.gov.au/media/release.cfm?BC=Latest&ID=2782\\_9713\\_5899\\_531\\_6642](http://www.aisaid.gov.au/media/release.cfm?BC=Latest&ID=2782_9713_5899_531_6642)

### Violence against women in Indonesia

"Australia will provide a \$1 million grant to the Indonesian national Commission on Violence Against Women as part of our commitment to addressing violence against women in the

region," Parliamentary Secretary for International Development Assistance Bob McMullan announced today. The two-year grant is being funded through the Australia Indonesia partnership which aims to assist Indonesia to meet Millennium Development Goals, including gender equality.

[http://www.aisaid.gov.au/media/release.cfm?BC=Latest&ID=9182\\_9284\\_6897\\_8326\\_8398](http://www.aisaid.gov.au/media/release.cfm?BC=Latest&ID=9182_9284_6897_8326_8398)

### **People with disability a priority for Australia's aid program**

The Australian Government has for the first time made people with disability a priority for Australia's international development program. Parliamentary Secretary for International Development Assistance, Bob McMullan, will today launch Australia's first strategy to guide Australia's aid program in supporting people with a disability in the developing world.

[http://www.aisaid.gov.au/media/release.cfm?BC=Latest&ID=5342\\_2977\\_992\\_462\\_1249](http://www.aisaid.gov.au/media/release.cfm?BC=Latest&ID=5342_2977_992_462_1249)

### **Dhaka signs deal with Canberra to fight terror**

A memorandum of understanding (MoU) between the governments of Bangladesh and Australia was signed here yesterday with a commitment to jointly combat international terrorism. Home Secretary M Abdul Karim and Australian High Commissioner Douglas Foskett signed the MoU on behalf of their respective governments.

"The MoU will provide a framework for cooperation between the two countries in combating international terrorism," it said.

The areas of cooperation include cooperation in combating organised transnational crimes, preventing and investigating acts of terrorism and bringing the perpetrators to justice, sharing best practices and procedures and capacity-building initiatives in terms of specialised training and technical assistance.

See: <http://www.thedailystar.net/story.php?nid=68653>

### **Australia provides humanitarian assistance to Ethiopia and Sudan**

Australia will provide \$4 million in humanitarian assistance for the escalating food crisis in Ethiopia and Sudan. Australia will provide \$2.5 million for the World Food Programme's operations in Sudan.

See: [http://www.aisaid.gov.au/media/release.cfm?BC=Media&ID=3625\\_7900\\_8110\\_1441\\_4021](http://www.aisaid.gov.au/media/release.cfm?BC=Media&ID=3625_7900_8110_1441_4021)

### **Australia assists victims of sectarian violence in northern Iraq**

The Australian Government has continuing concerns about the persecution of Christian and other minority groups in Northern Iraq and will provide \$1 million to assist Iraqis in Ninewa

Province, Northern Iraq, who have been the victims of recent outbreaks of sectarian violence. Australia is already providing \$2 million through the IMC to assist Iraqis in Ninewa Province who have suffered from violence.

See: [http://www.aisaid.gov.au/media/release.cfm?BC=Media&ID=6591\\_9741\\_7085\\_2660\\_6364](http://www.aisaid.gov.au/media/release.cfm?BC=Media&ID=6591_9741_7085_2660_6364)

### **Recent speeches worth noting**

#### **Senator Chris Evans**

Minister for Immigration and Citizenship

“Refugee policy under the Rudd Government – the first year”

Address to the Refugee Council of Australia, 17 November 2008

#### **Laurie Ferguson MP**

Parliamentary Secretary for Multicultural Affairs and Settlement Services

“Challenges to Social Inclusion in Australia: The Muslim Experience”

Keynote address to the National Centre of Excellence for Islamic Studies – 19 November 2008

### **Quote of the month**

He who smiles  
rather than rages  
is always the stronger

**Japanese wisdom**

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