

WA STATE NOMINATION PROCESS UPDATE

Approved applications for WA State nomination no longer require a signed State nomination agreement to be nominated in SkillSelect.

Once the application for WA State nomination has been approved, WA Migration Services will notify the applicant via email, and nominate you in SkillSelect within five working days.

Applications that were approved before 31 March, will still have 28 calendar days to sign and return their State nomination agreement.

IMPROVING ACCESS TO FAMILY VIOLENCE PROVISIONS FOR VICTIM-SURVIVORS

The Albanese Labor Government has announced adjustments to the "non-judicial" proof requirements for temporary visa holders who seek assistance. This will improve support for victims and survivors of family and domestic violence.

Midwives have been added to the list of medical professions that can provide evidence, risk assessments and reports have been added as forms of evidence in place of statutory declarations, additional advocacy and crisis service providers have been added as sources of evidence, and the requirement for statutory declarations for some healthcare professionals has been removed.

This was commenced on 31 March 2023.

AFGHAN LOCALLY ENGAGED EMPLOYEES

After an overall government evaluation of the Afghan Locally Engaged Employees (LEE) initiative, this was supposed to be revised within a year. However, the 1 April 2023 end date would not give enough time to address any suggestions that came out of the review prior to that sunset date.

INDIAN FAMILY SEEKING PERMANENT RESIDENCY FACES DEPORTATION AFTER LIVING IN AUSTRALIA FOR 15 YEARS

Mr Singh came to Australia on a student visa in 2008. He pursued a bachelor's degree in social welfare but went on to work as a manager at a local restaurant.

In 2016, he applied for the regional sponsored visa (Subclass 187) that allows skilled workers nominated by their employer in regional Australia to live and work there permanently.

But as luck would have it, his visa application was rejected. Following this, Mr Singh applied for a ministerial intervention which too was unsuccessful.

"Since I was left with no option, I decided to switch fields and return to social welfare. I was fortunate to get a job as a youth worker during (the) COVID (pandemic). But when I applied for a skills assessment, I was told I would need a further two years of experience in the field," he said.

"I was granted a bridging visa E in the meantime that allows me to stay here legally until I make arrangements to leave. I have been told there's no hope for any further substantive visa, and I would have to exit the country by 31 May."

The family faced with the prospect of deportation to India, the family has lodged a petition seeking public support for their campaign to be allowed to stay in the country permanently.

FAIR WORK LEGISLATION AMENDMENT (PROTECTING WORKER ENTITLEMENTS) BILL 2023

The Protecting Workers Entitlements Bill was introduced to parliament this week and clarifies that migrant workers are entitled to the same workplace protections as Australians under the Fair Work Act 2009.

The amendments to the Fair Work Act will enable visa holders who have been underpaid or exploited to have greater confidence in seeking assistance from the Fair Work Ombudsman

AUSSIE APP DEVELOPERS JOIN CLASS ACTION AGAINST APPLE, GOOGLE FOR ALLEGED ABUSE OF POWER

Last year, app users in Australia brought proceedings against Apple and Google, alleging misuse of market power. Now, app designers and founders are also taking on the tech giants, with two large plaintiff firms teaming up for the action.

California-based tech giants Apple and Google are, as of mid-last year, facing a consumer class action alleging that the companies abused their market dominance to inflate prices by forcing developers to use their platforms, increasing the cost of in-app purchases, as reported at the time by AFR.

The proceedings are alleging that Apple makes 55 per cent of smartphones sold in Australia, with the rest running on Google's Android system.

Nearly two years ago, Apple settled a class action in the United States and allowed app developers to use alternative payment systems.

AUSTRALIA - UK FREE TRADE AGREEMENT

With the UK's Royal Assent to the Agreement, the Australia-United Kingdom Free Trade Agreement has advanced.

After all UK procedures are finished and Australia and the UK exchange diplomatic notes specifying a start date, the Australia-UK FTA will become effective.

With equal access to the UK employment market as EU citizens, the Agreement will give Australian professionals more chances for intra-company transfers and working vacationers.

The start date has not yet been made public.

2023 WHY AUSTRALIA BENCHMARK REPORT RELEASED

Earlier this week, the 2023 Why Australia Benchmark Report was made public. According to the Report, Australia is a top location for cutting-edge start-ups, research institutions, and major multinational corporations from around the world. Australia is also well situated to become a superpower in the field of renewable energy because it has access to key minerals, as well as the wind, hydrogen, and solar industries that will drive the transition to clean energy around the world.

TEMPORARY GRADUATE VISAS - SC 485 - LEVEL OF QUALIFICATION

The specified qualifications must be undertaken at the Australian Qualification Framework Level 7 or higher:

- bachelor degree
- bachelor (honours) degree
- masters by coursework degree
- masters by research degree
- masters (extended) degree
- doctoral degree.

CLOSURE OF STUDENT VISA HELP DESK MAILBOX

The Department has closed the Student Visa Help Desk Mailbox. Although that mailbox was intended for difficult case and policy enquiries to the Student Policy department, it has come to be increasingly used for enquiries about visa processes that fall beyond of that division's purview.

The Department has stated that it will soon give details of additional allowed contact channels.

FNQ DAMA UPDATE

The Cairns Chamber of Commerce has provided updated information in the FNQ DAMA including:

- Simplification of Employer Labour Agreement Variation Process
- Labour Agreement Processing Times
- FNQ DAMA Endorsement Requests
- Deed of Variation
- FNQ DAMA Jobs Forum

Further information is available on the Chamber's website.

CLARIFICATION - POLICE CHECKS - THIRD PARTY CHECKS

The department advise applicants that police checks conducted by independent firms, like Veritas, might not be recognised for immigration and citizenship purposes.

These police checks have reportedly been disregarded by the Department, according to applicants.

RBA MAKES APRIL 2023 CASH RATE CALL

In its April interest rate decision – the third for 2023 – the board of the Reserve Bank of Australia decided to hold the cash rate at 3.60 per cent.

In a statement, RBA governor Philip Lowe said that the decision follows a cumulative increase in interest rates of 3.5 percentage points since May last year.

"The Board recognises that monetary policy operates with a lag and that the full effect of this substantial increase in interest rates is yet to be felt. The Board took the decision to hold interest rates steady this month to provide additional time to assess the impact of the increase in interest rates to date and the economic outlook," he said.

"For those seeking new loans, it is important to note that borrowing capacity has decreased as a result of the cash rate rises to date. Banks currently assess your affordability with a 3 per cent buffer above the offered interest rate to ensure you can keep up with repayments."

"If you are thinking of purchasing soon, it is now more important than ever to gauge borrowing power as well as obtain pre-approval to confirm a purchasing budget."

Despite all the recent changes in the market, Ms Unsal concluded, lawyers should know that their advantaged position with lenders remains.

"Exclusive benefits, such as waived lenders mortgage insurance when buying with a deposit less than 20 per cent, are very much still available," she noted.

LESSONS FROM THE 'MERCY KILLING' OF THE AAT

The Administrative Appeals Tribunal is set to be abolished. While such bodies are "critical" to Australia's legal system, they are also open to consequential political cronyism, says one law professor.

In mid-December, Attorney-General Mark Dreyfus announced the abolition of the Administrative Appeals Tribunal (AAT), which he said "once commanded universal respect".

In announcing the decision, the A-G cited what he called "a disgraceful exhibition of cronyism" in appointments made over the last decade.

The public standing of the AAT, the A-G declared, has been "irreversibly damaged" by the actions of Coalition governments in the nine years prior to Anthony Albanese's election.

"Decisions such as whether an old Australian receives an aged pension, whether a veteran is compensated for a service injury, or whether a participant in the NDIS received funding for support," he said.

Shortly after, legal advocates called for an effective merits review, noting that such a body must remain a cornerstone of Australia's administrative law system.

"Tribunal decisions are often of great consequence and shape lives just as much as those of the courts, yet the appointment of tribunal members rarely attracts widespread attention," Professor Groves opined.

"That relative lack of attention almost certainly enabled the previous Australian government to engage in the appointment practices that it did."

"We need to keep a close eye on what comes next," he warned.

"This government review will determine what body will replace the AAT, and if it will be broken down into small tribunals. We don't have any details yet on what that will look like, and probably won't until the government has considered the public submissions."