



## NZ CITIZENS - AUSTRALIAN CITIZENSHIP

Applicants should be aware that the Australian Citizenship (Permanent Resident) Amendment does not automatically grant permanent residency to NZ citizen Special Category Visa (SCV) holders.

Eligibility for Australian citizenship requires applicants to have been Australian permanent residents for 12 months before application.

For the purposes of the Citizenship Act of 2007, this serves to waive the 12-month requirement for permanent residency. It does not automatically award permanent residency to all NZ SCV holders.

Unless applicants seek for Australian citizenship, SCV holders stay on that visa and can still sponsor family members for a Subclass 461 visa.

This goes into effect on July 1, 2023.

### A-UKFTA - Labour Market Testing

With the upcoming changes, SC482 visa holders will have more time to locate new sponsorship if their current sponsor no longer employs them.

People working on Temporary Skilled Shortage visas will have six months instead of 60 days to be without an employer. In addition, they will be granted job rights during this time.

This is just one of the many initiatives the government is putting into place to combat the exploitation of migrant workers.

Applicants should exercise caution when giving clients advice until the pertinent instrument(s) are registered because no timeline for the implementation of these modifications has been given.

## State and Territory Updates

### Australian Capital Territory

- Next invitation round will be held before 14 July 2023
- ACT Nomination Guidelines, Critical Skills List and Invitation Ranking
- Business Innovation and Investment Program (BIIP) closed for this financial year

### New South Wales

- State nomination program appears to remain open

### Northern Territory

- New offshore GSM nomination criteria

### Queensland

- State nomination program appears to remain open

### South Australia

- GSM (ROI, 491 and 190 and BIIP) programs closed to new applications as of 8 June 2023. Any applications that have commenced by not lodged before 8 June 2023 will be deleted from the system.
- Existing applications that have been lodged before 8 June 2023 will continue to be assessed.
- Pending an allocation of 190 nominations from the Commonwealth Government for the 2023-24 program year, applicants who are assessed as eligible for 190 state nominations will receive a nomination in the upcoming program year.
- Announcement of GSM program closure for this financial year

### Tasmania

- State nomination program appears to remain open

### Victoria

- VIC state nomination program is now closed to Registrations of Interest (ROI). Submitted ROI will continue to be assessed and selected for invitations to apply for Victorian visa nomination.
- If a ROI is withdrawn, applications will not be able to submit a new one until the 2023-24 program opens.

### Western Australia

- State nomination program appears to remain open

## **SYDNEY SOLICITOR TO BE REMOVED FROM ROLL AFTER MAKING SIGNIFICANT ACCUSATIONS ABOUT NSW BAR**

A Sydney lawyer's name has been recommended to be struck from the roll of practitioners following a number of sensational allegations, including that a senior member had been "staring at him" and the NSW Bar Association and the council "orchestrated" a campaign against him professionally.

The NSW Civil and Administrative Tribunal (NCAT) recommended that Christian Roger de Robillard's name be removed from the roll of practitioners after a finding that he had engaged in professional misconduct and unsatisfactory professional conduct.

"Unfortunately, for the respondent, he has not demonstrated to us that he understands, or accepts, those limits and will abide by them if he is permitted to continue as a barrister or practising lawyer."

He also made a claim the tribunal had prejudged the case before the August hearing had commenced and had "selectively marshalled" evidence from the first stage of the matter in order to "justify its collective prejudged view" that he was guilty of unsatisfactory professional conduct and professional misconduct.

"The allegation was an extremely serious allegation to make of the appointed members of any tribunal created by statute," principal member Le Poer Trench, senior member Dixon and Ms Porter said.

## **BRISBANE COMPANY FIGHTS BACK AGAINST THE INVOICE STOUGH**

A Brisbane firm has had to defend itself against a former client who claimed she could not contest her invoices over fears she would be left to deal with a Family Court matter on her own.

Due to how HopgoodGanim Lawyers communicated with the former client, Queensland's District Court did not extend the time frame to allow her to have 31 invoices assessed for work the firm completed between September 2018 and August 2021.

The applicant said she had instructed the firm to provide services for an estate planning matter and a dispute with her former husband and had paid around \$277,375.48 for their work.

The ex-client further asserted that she lacked the financial means to file an earlier application and that the stress and distraction of her legal affairs prevented her from properly considering that she had a 12-month window in which to act.

Neither argument was accepted by Judge Rosengren.

Since five of the invoices are within the deadline, they can be assessed, and HopgoodGanim Lawyers did not object to this ruling.

## **'SENSATIONAL' MEDIA COVERAGE ARE DISCUSSED IN THE INSIGNIA CLASS ACTION.**

On whether the commentary in media reports contributed to the steep decrease in the share price, financial professionals who examined the impact of insider trading claims at Insignia are divided.

Insignia's attorney, Nicholas Owens SC, has argued that "sensationalist" reportage in Fairfax's mastheads about alleged malfeasance at the financial behemoth was the main cause of the share price decline during the Federal Court's class action proceedings.

Parts of media accounts that Mr. Owens thought were sensationalistic were presented to Mr. Houston, including comments that financial advisors were "psychopaths and sociopaths" or "people who have zero empathy about anyone but themselves."

Mr. Houston acknowledged that it was "certainly colourful commentary," but he did not consider the wording of the article to be provocative.

When wrongdoing is revealed, Mr. Houston continued, "I don't think we should regard it as unusual that the media is engaged in commentary that might be regarded as colourful."

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