

TASMANIAN GOVERNMENT SUBMISSION

General Comments

For migration purposes, Australia is advanced in terms of skills recognition. However, the decentralised process has limitations, particularly from an employer's perspective. There is a limited understanding of how international and domestic qualifications align. Similarly, the existence and function of the National Information Centre (NIC), which maintains this information, is not widely known. Without an awareness through all educational institutions, industry groups, and employers of their responsibilities, migrants and refugees will struggle to access employment.

The Tasmanian Government recognises that the current system in Australia of recognising overseas skills and qualifications is a significant barrier to meaningful employment for migrants and refugees. Feedback to Government has reported the process as complex, confusing, costly and time-consuming, with the results for many the practical exclusion of some people from using their skills.

There are several levels of accreditation processes that skilled migrants need to go through, including local professional association accreditation boards, to reach the entry point for employment. Many overseas professionals may not have sufficient English language skills to operate safely and competently in the workforce, a barrier that could be addressed with appropriate support and incentives.

Many people feel overwhelmed by the complexity of the processes required to obtain recognition of their overseas qualifications and are confused about how to upgrade them where required. In addition, there is considerable confusion among educational institutions, industry groups and employers about their roles and responsibilities.

Tasmania is experiencing significant skills gaps, and employers are under substantial pressure due to labour shortages. This is particularly felt in the regions. There is a real need to improve the avenues available to integrate migrants' qualifications to bridge these gaps, maintain workplace standards and achieve shared outcomes.

The global scope of the Convention as the world's first treaty in higher education is a welcomed step towards supporting interregional mobility. Importantly, it will provide greater certainty for migrants and help to facilitate access to skilled labour for employers.

Details of the Convention

The National Impact Assessment notes that much of the Convention is already in national practice, with no impact on domestic law or policy. It is stated that new obligations can be implemented through administrative changes, which will be a matter for the Department of Education, Skills and Employment (DESE). There is no further information on how DESE will transmit the information about educational institution responsibilities under the Convention, nor what specific new obligations will apply. Clarification in this regard would be beneficial.

For the purposes of migration, Australia is advanced in terms of recognition. However, the Tasmanian Government notes that the recognition of overseas qualifications is decentralised, with educational institutions and employers being responsible for recognising qualifications. This approach has limitations, particularly from employers' point of view, as the understanding of the qualifications and any Australian Government recognition of international qualifications is comparatively low. Information as to qualifications is maintained at the National Information Centre (NIC), but few employers are likely to

know this. Without an awareness through all educational institutions, industry groups, and employers of their responsibilities, migrants and refugees will likely continue to struggle to access employment.

Article IX.2

The Convention notes that educational institutions must provide, free of charge, information to the applicant concerning the assessment of their application. It is unclear as to what this "information" is. If it involves an assessment of prior learning, rather than merely an equivalency of qualifications held at the NIC, Registered Training Organisations (RTOs) may incur a cost to their organisation but be unable to seek compensation from either the student or relevant governments.

Clarity on what this information is defined as and an impact assessment on varying-sized RTOs would be helpful for states and territories to understand the risks.

It is noted that ratification of this Convention does not override the ability of Australian authorities to determine suitability for employment in a particular field. The existence of an academic qualification does not necessarily establish that the holder can meet domestic standards of competence. The Tasmanian Government strongly supports this domestic autonomy.

We note that most jurisdictions – including DESE and the Australian Department of Employment and Workplace Relations – have policies inconsistent with the requirement for accreditation services to be delivered "free of charge".

The Office of Tasmanian Assessment, Standards and Certification (TASC) is implementing a policy that requires payment for this service, consistent with other jurisdictions and as legislated in the *Office of Tasmanian Assessment, Standards and Certification (Fees) Regulations 2013* under the *Office of Tasmanian Assessment, Standards and Certification Act 2003*.

Similar entities in other jurisdictions also charge a fee for these services. We seek clarity on what this would mean for TASC in the context of conflicting advice on what we are bound by in the National Interest Analysis.

Article X.2 states that "Australia's central competent recognition authorities will be immediately bound by the provisions of this Convention and will be required to take the necessary measures to ensure the implementation of the provisions of this Convention in Australia."

This commitment appears inconsistent with widespread current practice and paragraph 22 of the 'National Interest Analysis', which states: 'No changes to domestic law or policy are required to implement the Convention'.

Summary

To achieve the purpose of the Convention, the Tasmanian Government recommends that the Australian Government:

- i. Deliver a broad-based qualification recognition awareness campaign targeting employers.
- ii. Adequately funds a national one-stop-shop information hub offering subject matter expertise on qualification recognition and critical state and territory-based employment-related supports for migrants onshore, prospective migrants offshore, and employers seeking assistance.

- iii. Fund an independent review of professional associations' accreditation processes to address barriers and improvement opportunities to benefit migrant and non-migrant workers.
- iv. Develops and maintains a list of currently available bridging courses to up-skill migrants and that this is made available to migrant and refugee job seekers.
- v. Briefs State and Territory governments on the relationship between existing local practices for accreditation, the commitments of this Convention and the potential conflict with other Trade Agreements that bind Australia to specific standards of treatment for foreign nationals.