

CEPU SUBMISSION TO THE JOINT STANDING COMMITTEE

INQUIRY INTO SKILLS RECOGNITION, UPGRADING & LICENSING

Introduction

This submission is made by the Communications, Electrical, Electronic, Energy, Postal, Plumbing and Allied Workers Union of Australia (the CEPU). We welcome the opportunity to put our views and concerns to the Joint Standing Committee.

The Joint Standing Committee has stated that:¹

“Assessing the skills of those who wish to migrate to Australia as skilled migrants is a key element of the skilled migration system. The migration of skilled personnel to Australia enhances the Australian labour force and contributes greatly to the Australian economy. Skilled migration is the largest component of Australia’s Migration program ...”

For this reason our submission focuses on skilled migration. Specifically, our submission focuses on our concerns regarding electrical/electronic trades seeking recognition of their skills to migrate to Australia.

About the CEPU Electrical Division

The CEPU Electrical Division (formerly the Electrical Trades Union or ‘ETU’) represents the interests of skilled electrical workers in a wide range of industries including electrical contracting, manufacturing and power generation and distribution. Electrical tradespeople form the largest membership group.

THE TERMS OF REFERENCE

1. Investigate and report on current arrangements for overseas skills recognition and associated issues of licensing and registration for:

1.1 **Skills stream migrants who obtain assessment prior to migrating;**

1.1.1 Skills assessment is a basic requirement for all prospective skilled migration applicants. Prior to applying for skilled migration, an intending applicant must have his or her skills assessed by the relevant Australian assessing authority.

¹ Information Paper: Inquiry into Overseas Skills Recognition, Upgrading and Licensing; dated April 2005

- 1.1.2 With respect to the electrical and electronic trades, Trades Recognition Australia (TRA) is the relevant Australian assessing authority under regulations of the Migration Act 1958. TRA provides trades skill assessment service in trades nominated under the migration Skills Occupation List (SOL) to assist the Department of Immigration and Multicultural Affairs in its migration program. Trades Recognition Australia (TRA) is part of the Commonwealth Department of Employment, Workplace Relations and Small Business.
- 1.1.3 TRA provides national recognition in metal and electrical trades for permanent residents in Australia and skill assessment in most trades for people applying to migrate to Australia. Prospective migrants must have their trade skills assessed prior to lodging an application to migrate to Australia.
- 1.1.4 Each application is assessed by a Skills Assessor who is a qualified tradesman but not necessarily qualified in the same trade as the trade they are assessing. We believe this is a weakness of the current system. Assessors are also qualified workplace assessors under the Australian Recognition Framework (ARF).
- 1.1.5 A positive TRA assessment enables a person to apply under DIMIA's skilled migration programme. Once fully assessed on arrival in Australia, TRA then issues the successful applicant with Australian recognised trade certificate (ARTC). The ARTC is accepted by State licensing authorities who will automatically issue a licence on production of the ARTC. Employers accept the ARTC and licence as sufficient proof the applicant has the requisite skills, training and experience to do the job.
- 1.1.6 Recognition as a tradesperson
- 1.1.6.1 Acceptable formal training outside Australia entails a pass mark in a formal trade test conducted by a government-approved body of that country, and a trade certificate/diploma must be supplied. This test must be preceded by a formal apprenticeship. The applicant must be able to evidence that an apprenticeship contract existed between him and an employer.
- 1.1.6.2 The applicant must have been working in the trade for a specified time period after completion of the apprenticeship. If the tradesperson intends to act as Main Applicant for Skilled Migration, he/she must have been in recent paid employment in the trade (or closely related occupation) for a period of time prior to applying for the visa. He/she must have undertaken the full range of work normally performed by a tradesperson in Australia, and capability of performing that work in Australia.
- 1.1.7 Recognition as a tradesperson where a person never entered into an apprenticeship contract or completed a trade test

TRA will consider the applicant as a qualified tradesperson if the person has been working in the trade full time for at least nine years and can prove employment as such and have completed some sort of vocational training in the trade.

1.1.8 The assessment criteria

- 1.1.8.1 Assessors make their assessment on the basis of TRA criteria manuals, overseas mission reports and industry competency standards which have been specifically developed for the training and/or assessment of trained tradespeople.
- 1.1.8.2 In determining an "equivalent international standard" TRA refers to publications such as "the training of skilled workers in various countries" which are Central Trades Committee Tripartite Mission reports or country education profiles published by Australian Education international – National office for overseas Skills Recognition (AEI-NOOSR)

1.1.9 Central Trades Committee Overseas Missions

- 1.1.9.1 Central Trades Committee overseas missions used to be conducted to assess whether the training systems in those countries provided a reasonable equivalence to the Australian training system. These Missions established the criteria by which assessments with overseas countries were made.
- 1.1.9.2 The value of the Missions was that often the people attending the country visits were the same people reviewing the contentious overseas applications for migration. They had been able to see first hand the training systems in other countries. This made it much easier to assess the veracity of the claims in migrant applications. The idea of ongoing Missions was to ensure that the criteria remained current and relevant. These criteria are still being used as the basis of assessments despite the fact that these Missions were discontinued in 1988. Further, not every country was visited every year so even though some of the assessment materials based on mission findings dates to 1988, some material is even older. Accordingly, to say the current overseas assessment criteria are quite dated is an understatement.
- 1.1.9.3 Add this to the fact that we now have assessment being made by people not expert in the field they are assessing and we have a recipe for disaster.

1.1.10 Permanent Australian Residents trained in Australia or overseas

- 1.1.10.1 TRA also provides national recognition in prescribed metal and electrical trades for permanent Australian residents who developed their skills through means other than an Australian apprenticeship.
- 1.1.10.2 As with applicants from overseas, TRA issues successful applicants with an Australian Recognised Trade Certificate (ARTC) which is accepted nationally by employers and unions as the equivalent of the completion of an Australian apprenticeship, and by the TAFE system for entry into post-trade courses.

The ARTC does not provide authority to work as a tradesman. It may still be necessary to obtain a licence or registration from a relevant State or Territory authority.

1.1.11 Licensing requirements

A condition of work in certain electrical trades in Australia is that you must register and/or have a licence from the relevant State or territory electrical registration and licensing authority.

A separate licence is required in each State and or Territory. However there are arrangement for mutual recognition of interstate licences which facilitates the issue of similar licences in different States and Territories.

1.1.12 Changes to the assessment regime

The following changes have been made over the last decade to the assessment regime which have weakened the rigorousness of the checking process and made it easier for applicants to engage in credential and experience deception

Previously TRA used to have outposts overseas where skills assessors were able to assess applicants for migration locally. As a cost cutting exercise, this regime was shut down and applicants now apply directly to Australia. Applications are now paper based assessments, based on the documentation supplied and come to Canberra based skills assessors who make an initial assessment and then make recommendations to the relevant central trades committee to endorse or reject.

In a further so-called improvement to the system of assessment as noted above, applications can now be assessed by person not competent in the occupation being assessed. For instance, a boiler maker can assess the application for an electrical mechanic.

1.2 Families of skill stream migrants, family stream migrants and humanitarian entrants who seek assessment/registration/upgrading after arrival;

Processes already exist which allow for residents living in Australia to have their skills assessed. As with applicants from overseas, TRA via state based local trades committees can issue successful applicants with an Australian Recognised Trade Certificate (ARTC) which is accepted nationally by employers and unions as the equivalent of the completion of an Australian apprenticeship, and by the TAFE system for entry into post-trade courses.

1.3 Temporary residents who need skills assessment/recognition;and

The same system applies to temporary residents as to applicants applying from overseas. However, we question the value of the process is the stay is short term. The more likely scenario is that an employer is sponsoring overseas labour as a temporary fix to fill a labour shortage. In this case, there are also processes already in place to deal with this situation.

1.4 Australian citizens returning after significant time overseas, with overseas qualifications.

With respect to trade qualifications, Australian citizens returning overseas with overseas qualifications must meet the same domestic standards as non-Australian citizens. The overseas qualifications must be subject to the same scrutiny as they would be subject to if the applicant was from overseas. The assessment rules should not change simply because an applicant's place of birth differs. Gap training at TAFE is available if necessary which should assist an Australian citizen returning with overseas trade qualifications..

2. Consider how Australia's arrangements compare with those of other major immigration countries.

The CEPU is not sufficiently expert the systems used by other countries to comment on this issue.

3. Identify areas where Australia's procedures can be improved including in terms of:

3.1 Communications of processes to users

Language is a huge barrier with respect to understanding Australian immigration processes and in particular skills based assessments. More attention should be given to materials and phone based contacts who can communicate in the relevant language of the inquirer. There is anecdotal evidence that many delays in the assessment process can be attributed to paperwork issues. That is, insufficient supporting evidence is provided. Locally based assessors who could explain the documentary requirements in person would also greatly.

Web based information should address this issue in greater detail and be available in other languages.

3.2 Efficiency of processes and elimination of barriers

3.2.1 The CEPU supports the current system of using expert committees such as Trades Recognition Australia for coordinating trade vocational assessments for migration purposes.

3.2.2 The use by TRA of expert specialist technical committees such as the Central Trades Committee for electrical and mechanical trades to assess applicants against Australian standards is a tried and true system. It can significantly reduce the prospect of inadequately trained or experienced applicants slipping through the system. Diluting this assessment process by giving the power to any RTO with limited overseas assessment experience to make assessment will greatly increase the potential for applicants to get through who should not and would not have got through the current system.

- 3.2.3 Assessment processes must include the following principles as part of the process:
- 3.2.3.1 There must be standard skills benchmarks which applicants for migration must be able to demonstrate consistent with Australian requirements.
 - 3.2.3.2 Prospective applicants must hold equivalent generic skills contained in the relevant industry National Training Packages for the relevant trade.
 - 3.2.3.3 Prospective applicants must have reasonable and recent work experience in the relevant trade for which they are seeking assessment.
 - 3.2.3.4 Assessors who assess applicants must be expert in the trade they are assessing.
 - 3.2.3.5 It is vital that our assessment criteria are kept current. To this end it is vital that visits or missions to overseas skill feeder countries are undertaken on a regular basis. This will also allow critical gaps to become evident and enable the development of bridging courses to fulfil Australian training requirements.
- 3.2.4 The CEPU believes the processes with respect to the electrical trades, current processes are efficient and that there are no barriers that need to be eliminated. Elimination of so-called barriers will simply lead to further deregulation as the process is made easier to complete. This will simply lead to less qualified and able people migrating to Australia who will not be able to contribute to our skills base and alleviate the skills crisis because they will not be employable in the trades in need. Making it easier for applicants to get here without adequate skills assessment will simply add to our pool of semi skilled labour. It is not the answer to our current skills shortage.
- 3.2.5 One area where improvements could be made is with respect to the assessors. More assessors would speed up the rate at which applications can be processed. However, simply increasing the number of assessors by allowing any RTO to undertake assessment is wrong because only assessors with the requisite electrical skills, training and experience and experience in both domestic assessment and different overseas training systems, should be doing the assessments.
- 3.2.6 In addition reinstating overseas based assessors would also speed up the process as applications could be more quickly technically assessed by people with local knowledge of what constitutes equivalent skills and training. Overseas postings were abandoned in the early 90's in a penny pinching cost cutting exercise that saved little but added to the inefficiency of the processing of applications.

3.3 Early identification and response to persons needing skills upgrading (e.g. bridging courses)

The CEPU is against short cuts being taken with respect to the trade. However, there is evidence that more attention needs to be given to English language skills. It is pointless for an assessing

authority to decree that an applicant's English is acceptable if that person cannot gain employment in Australia because their English is not good enough.

3.4 Awareness and acceptance of recognised overseas qualifications by Australian employers

- 3.4.1 With respect to electrical trades to expect employers to gain an awareness of overseas qualifications is not practical. The current system allows a prospective migrant possessing an ARTC to be recognised by the various State and territory licensing authorities as being able to gain a licence and gain employment in the trade. Employers accept the ARTC as proof that the person is qualified for the job. This system works. The assessment of skills and training is part of the applicant's pre-migration groundwork to gain the requisite points to immigrate.
- 3.4.2 By the time an employer sees the migrant, they are already in Australia having had their skills and training assessed. No purpose is served by employers being aware of the equivalency of overseas qualifications with Australian qualifications. That is precisely why Government agencies perform the role. Assessing is a specialist skill not something squeezed in around running a business.
- 3.4.3 We do not believe Australia's procedures need improving with respect to awareness and acceptance of overseas qualifications by Australian employers. To allow employers to assess overseas qualifications is a further unacceptable deregulation of the assessment process. It also represents a significant threat to industry and public safety.
- 3.4.5 According to the Joint Standing Committee on Migration 29 March 2004 one of the main difficulties experienced by successful migrants was insufficient local work experience. According to the report employers are sometimes reluctant to accept overseas qualified and experience professionals without local experience at paras 9.47-52.
- 3.4.6 So it is not so much a problem with qualifications but a problem with employer's preferring employees with local experience. A solution to this may be some sort of Government sponsored placement program which allows migrants who are successfully assessed as being trade equivalent are able to gain the requisite local experience that makes them able to gain local employment.

3.5 Achieving greater consistency in recognition of qualifications for occupational licensing by state and territory regulators

We do not see the current system as being a barrier or creating problems with consistency. There is no lack of consistency in recognition of qualifications for occupational licensing. Licensing authorities do not assess the qualifications of overseas applicants. Once an applicant gains an ARTC they can easily apply in any State for their licence. Reciprocal licensing arrangements exist between the States and territories.

3.6 Alternative approaches to skills assessment and recognition of overseas qualifications.

- 3.6.1 The CEPU believes the current approach of skills assessments being undertaken by people on committees expert in the trade area optimizes the result of allowing applicants to migrate who have the skills they claim. Alternative approaches would have to be as good or better this result.
- 3.6.2 Of relevance in this regard again are the findings of the Joint Standing Committee on Migration in its Report of 29 March 2005, stated at para. 9.40 that few of the skilled independent migrants in the years under review had found a lack of recognition of qualifications was an impediment for migration, but for those in the Skilled-Australia Sponsored schemes, it was the second most common hurdle. This may actually demonstrate the success of the Central Trades Committee and Local Trades Committees as the screening of applicants is done before they get there whereas with the sponsored scheme they get in on other grounds. Under the general skills program with CTC assessment skills are already recognised so this hurdle is cleared already. These migrants seem to have less trouble finding work

4. SUMMARY

- 4.1 The CEPU believes the previous system whereby applicants were assessed by people on committees expert in the field they are assessing is the best system. Recent changes to that system have made the assessment process less rigorous. Now non electrical trades people can assess electrical trades people have turned the system into a shell of what it was previously. This hasn't helped the skills crisis.
- 4.2 Further changes projected whereby any RTO registered in a State system can assess any application is madness. This will allow people who are not expert in a field to assess applicants for migration. Would we allow a hairdresser to assess a doctor? Why allow a person not expert in the electrical trade or overseas training systems to assess the skills and training of applicants purporting to be training to an equivalent Australian standard.
- 4.3 This type of deregulation of the assessment process encourages credential deception or slippage with the result it that more applicants will be allowed to migrate without the skills they purport to have. These people will not be able to gain employment in the trade or at least maintain employment in the trade once an employer becomes aware that they lack the skills required to do the job.
- 4.4 Making it easier for people to come to Australia does nothing to alleviate the skills shortage if those people do not have the skills we lack.

5. RECOMMENDATIONS

- 5.1 Reinstigate regular trade missions by industry assessors expert in the fields they are evaluating to overseas countries to update assessment criteria.

- 5.2 Do not broaden the base of assessors to any RTO registered in a State or Territory.
- 5.2.1 A commercially driven system based on a fee for service is open to corruption and credential deception.
- 5.2.2 One of the arguments in support of broadening the base of assessors to any RTO in any State or Territory is that it will 'speed up the assessment process'. It is likely this will be the case but the assessment will be undertaken by RTOs lacking the basic skills and experience in conducting trade assessments. This will allow more people in but how does it help Australia's skills crisis if the people we let in lack the trade skills they claim? Only properly qualified and expert assessors can determine whether or not an applicant is truly competent to work in the relevant trade. Broadening the base of assessors will solve nothing.
- 5.3 *Only allow people expert and experienced in the field they are assessing to undertake assessment work.* For instance, only electrically trained and qualified people with practical experience in the trade should assess applications for electrical occupations and so on. It stands to reason that an electrically qualified person will know little about hair dressing so why would you place that person in a position of assessment.