

From my experience the system for assessing foreign tradespeople is a nightmare. ... The whole thing from start to finish has been crazy, it seems that as soon as you provide the correct documentation, the goal posts suddenly get changed ... it really does seem a lengthy drawn out process for something that should be fairly straight forward.¹

Trades: skills recognition issues

Introduction

- 5.1 This chapter examines the current processes by which trade qualifications are assessed, both prior to migration and for those already in Australia. Due to its central role not only in pre-migration assessment but also in domestic assessment for certain trades, Trade Recognition Australia's performance is also examined in this chapter.
- 5.2 The Skilled Occupation List (SOL) currently contains over 160 occupations in trades and related areas. The Migration Occupation in Demand List (MODL) contains 42 occupations in trades areas, approximately half of the MODL listings. From evidence before the Committee, trade shortages are apparent in regional areas as well as major population centres.
- 5.3 As noted in Chapter 1, skilled migration should not be seen as the complete solution to Australia's trade shortage. A strong commitment
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¹ Mr Campbell, *Submission No. 52*, p. 1.

to training Australians and maintaining and improving the skill levels of our current workforce is essential. However, skilled migration is one method of addressing the immediate trade shortages facing Australia.

What is a trade?

- 5.4 The term 'trade' covers a wide range of occupations with some common characteristics. The occupations generally require technical knowledge and manual skill, and in Australia those skills have traditionally been acquired through a formal apprenticeship program leading to the awarding of a trade certificate. However, as DEWR noted:

Recent changes to Australia's training system enable competence to be acquired and assessed through the Australian Qualification Training Framework (AQTF).²

- 5.5 The SOL in particular contains a wide range of occupations that fall outside the more traditional definition of a trade, encompassing occupations where the skills are acquired outside of a traditional apprenticeship system. However, the argument has been made that the definition of what constitutes a 'skilled occupation' is too restricted by the traditional definition of a trade:

The Skills Labour Index perpetuates the traditional demarcation between traditional trade and non-traditional trade classifications, creating a mentality of 'us and them'. It fails to recognise qualified people in non-traditional areas like Food and Beverage and Hotel Front of Office staff. The current system ignores their relevant qualifications and skills and fails to allow them to have thorough assessment or evaluation.³

- 5.6 The Australian Hotels Association argued for an expansion of the MODL to 'include a more contemporary range of skill areas such as front of house of which there are skill shortages'.⁴ Similar arguments were made by the Australian Trucking Association who felt 'that it is the lack of mandatory formal tertiary qualifications that handicap the

2 DEWR, *Submission No. 63*, p. 9.

3 Australian Hotels Association, *Submission No. 45*, p. 2.

4 Australian Hotels Association, *Submission No. 45*, p. 3.

entry of truck drivers as skilled personnel through migration schemes'.⁵

- 5.7 While the Committee has some sympathy with this view, it notes that the 'underlying principle of the MODL is that only occupations or specialisations that are in widespread, persistent and ongoing shortage are targeted'.⁶ Alternatives are available for employers wishing to recruit people with particular skills, including a range of employer-sponsored temporary and permanent migration arrangements.
- 5.8 What should or should not be on the MODL or SOL is not a matter for this inquiry – rather the Committee's task was to examine how individuals in those occupations should have their skills assessed both pre- and post-migration. For the purposes of this chapter, the Committee has accepted a wide definition of 'trade' and 'tradesperson'.

How are trades currently assessed?

- 5.9 For tradespeople wishing to apply for migration to Australia under the General Skilled Migration (GSM) program, their skills are assessed firstly for migration purposes, and then assessed a second time once in Australia, if required for registration and licensing purposes. These pre-migration and post-migration processes are detailed in the following sections.
- 5.10 As noted earlier, the Department of Immigration and Multicultural Affairs (DIMA) explained that the current skills assessment arrangements:
- ... evolved from a need to determine the quality and comparability of skills and qualifications obtained in countries outside the traditionally accepted British education and vocational training systems. The arrangements, known as PASA, or pre application skill assessment, have been recognised as world's best practice. **They ensure that only those people who have the necessary qualifications and**

5 Australian Trucking Association, *Submission No. 90*, p. 4.

6 DIMA, *Submission No. 80b*, p. 1.

skills required to work in their nominated occupation are successful.⁷ (emphasis added)

- 5.11 It is apparent, however, from evidence given to the Committee that the current assessment practice is not ensuring that only those people with the necessary skills and qualifications required to work in their nominated occupation are successful. This has been shown in the significant numbers who fail to obtain registration or licensing when this is required, and by the numbers who do not end up working in their nominated occupations or who end up in lower level positions.
- 5.12 DIMA itself, in its first appearance before the Committee, acknowledged that 'there is a need to continue to refine and improve our skills recognition and licensing processes, particularly in the area of traditional trades', acknowledging that 'a number of skilled migrants are in jobs that do not match their qualifications or in jobs that do not recognise their qualifications'.⁸ To address this, the department highlighted five areas where it saw scope for 'substantial improvement'. Each of these following areas is relevant when examining the recognition of trades skills:
- 'accessibility of information';
 - 'speed and integration of the various steps involved' in the process;
 - improved offshore processing, so that 'skilled migrants are more job ready on arrival';
 - 'establishment of more skills assessment bodies'; and
 - 'mutual recognition across different states'.⁹
- 5.13 One of the questions facing the Committee was how the process of trades recognition, with the associated factors of licensing and registration where applicable, could be streamlined without detriment to the skill level of trades. The Committee agreed with the observation by the Department of Employment and Workplace Relations (DEWR) that:
- While there is a need for flexibility in skills recognition and processing arrangements, it is equally important that the skill level of temporary and permanent migrants to Australia is maintained ... it is important to ensure that migrants entering

7 DIMA, *Submission No. 80*, p. 3.

8 Mr Rizvi, DIMA, *Transcript of Evidence*, 5 September 2005, p. 2.

9 Mr Rizvi, DIMA, *Transcript of Evidence*, 5 September 2005, p. 3.

Australia are subject to a skills assessment process of qualifications and work experience that better allow them to satisfy Australian licensing requirements.¹⁰

- 5.14 This concern was also apparent in a number of the submissions the Committee received. The following comment was very representative:

We are not asking to diminish the level of skills recognition or anything like that but rather to improve the process to one of facilitation rather than one of barrier.¹¹

- 5.15 The apparent gap between offshore assessments and the actual skills levels required for a particular trade was commented on in a number of submissions:

The assessments that seem to happen offshore do not always fit the occupational and licensing criteria for onshore, so we have people arrive with great expectations, having gone to quite a lot of expense relocating their families here, only to find that they cannot get licensed or they cannot get employment because they do not have local work experience or they do not have a license – for a whole range of reasons they do not quite fit the occupational needs.¹²

- 5.16 The ideal situation would be for skilled migrants to arrive in Australia job ready and able to enter the work force in their particular occupations without further delay. The current reality in the trades area is unfortunately quite different. Figure 5.1 details the process an overseas trained electrician would have to go through at present in seeking to migrate and work in Australia in that trade.

10 Ms Connell, DEWR, *Transcript of Evidence*, 5 September 2005, p. 30.

11 Mrs Cunningham, Department of Business, Economic and Regional Development, Northern Territory, *Transcript of Evidence*, 14 November 2005, p. 1.

12 Ms Rogers, Queensland Department of Employment and Training, *Transcript of Evidence*, 9 March 2006, p. 44.

Figure 5.1 Case study of an overseas trained electrician

An electrician coming to Australia under the points tested categories applies firstly to Trades Recognition Australia to see if they have skills as an electrician broadly equivalent to Australian standards. If they do so, they can use that as a basis to apply for points tested migration. Once they arrive, however, they have to obtain what is known as an Australian trades recognition certificate, which is a certificate granted by a tripartite body of industry, unions and the department of employment. That certificate enables them to operate as an electrician in a supervised capacity, but it does not allow them to operate as an electrician in terms of signing-off wiring jobs that might have been done. That can only be done by someone who is licensed. For the electrician to obtain licensing, they have to go the relevant state licensing body and obtain an electrician's license, which may involve further testing of their skills before they can get that. That is a lengthy process. When TRA ticks off the person for migration as an electrician for skilled migration purposes, they advise them through a letter that they send that they are the further steps that they have to undertake. However, once they arrive those steps can take quite a long time and, as a result, there can be quite some dissatisfaction in the individual who probably reasonably expected that the subsequent two steps that they were advised of would occur fairly quickly. Sometimes they do not.¹³

5.17 One of the major deficiencies in the current system is the persistent misapprehension by applicants that pre-migration assessment is the same as post-migration registration and licensing. The need for improved communication about the different stages of the process was a constant theme during the inquiry:

In relation to skill stream migrants, over and over again clients come to see me for general direction as to how they are going to obtain employment. They believe that when they have been assessed offshore they have actually been recognised offshore, so that when they hit Australia they can work as a nurse or an electrician and there are going to be no impediments to that. They do not realise they have to seek recognition – that it is going to be costly; that they may have skills gaps – even though they have a letter. I sometimes point out to them that it states quite clearly that it is for assessment purposes. I would say that 99 per cent of the people that I

13 Mr Rizvi, DIMA, *Transcript of Evidence*, 5 September 2005, p. 4.

have seen believe that the letter means they are recognised, because it has an ASCO code and looks quite official.¹⁴

- 5.18 The DIMA website states on the front pages of the SOL form that the ‘assessing authorities are responsible for undertaking skills assessments for migration purposes and are not employment agencies’. However, it is not until page 23 of the document that the statement is made that:

The assessment of your skills by the assessing authority will be for migration purposes only. The outcome of your assessment will not be a qualification. ... If you are successful in your migration application, it is also important to understand that you will not automatically be provided with a qualification in Australia on the basis of your skills assessment. You may be required to undergo further assessment before a decision can be made on whether to issue you with a qualification in Australia.¹⁵

- 5.19 There is no mention in this particular document that registration or licensing may be required prior to an applicant being able to **work** in their chosen field. The Committee believes a clear statement to this effect should be included in the general information at the start of the SOL document. It is not until the prospective applicant goes to the new part of the DIMA portal, Australian Skills Recognition Information (ASRI), that specific registration requirements are listed. The ASRI site is a major improvement on the level of information provided previously to prospective applicants.

Recommendation 35

- 5.20 **The Committee recommends that the Skilled Occupation List be amended to include a prominent statement at the start of the document that additional assessments for registration or licensing purposes may be required on arrival in Australia, before an applicant can commence work, and that additional training might be required.**

14 Ms Winter, South Metropolitan Migrant Resource Centre, *Transcript of Evidence*, 15 November 2005, p. 31.

15 DIMA website, <http://www.immi.gov.au/allforms/pdf/1121i.pdf> (accessed 6 June 2006).

Pre-migration assessment

- 5.21 Chapter 1 provided details of the groups that require a pre-migration assessment of their skills. In summary they are:
- Primary applicants under the GSM program
 - Applicants under the Employer Sponsored Migration program (although this requirement may be waived under certain conditions).¹⁶
- 5.22 Other potential migrants to Australia (family stream, humanitarian) and temporary residents such as working holiday makers are not required to have a pre-migration assessment made of any skills they may have.
- 5.23 The primary pre-migration assessing authority in the area of trades is Trades Recognition Australia (TRA), which is part of DEWR. The Vocational Education Training and Assessment Services (VETASSESS), the other significant assessing body in the trade area, deals with a range of occupations that fall outside the traditional trade definition.
- 5.24 The logic of the distinction between who performs the international assessment is not always obvious. For example, plumbing inspectors are assessed by VETASSESS, whereas supervisors (plumbers) are assessed by TRA, as are general plumbers; jockeys are assessed by TRA, but horse riding coaches by VETASSESS; dental hygienists and dental therapists are assessed by VETASSESS, but dental technicians by TRA.¹⁷ TRA has recently been appointed as the assessing authority for child care co-ordinators, a role previously undertaken by VETASSESS.¹⁸ For clients attempting to establish which assessment body is the appropriate one (and also determine which occupation best suits their particular skills set), this blurring of responsibility adds another degree of complexity.

16 DIMA advised that for the Employer Nominated Scheme, where the trade skills require formal assessment, 'evidence of their acceptance by Trades Recognition Australia or a State government skills assessing body is required. However, where there is a mandatory licensing or registration requirement for their trade, licensing or registration by the appropriate State body is considered equivalent to a successful trade skills assessment', DIMA, *Submission No. 80*, p. 7.

17 See the Skilled Occupation List (SOL), on the DIMA website, <http://www.immi.gov.au/allforms/pdf/1121i.pdf> (accessed 31 July 2006).

18 Announced on TRA website, <http://www.workplace.gov.au/workplace/Category/SchemesInitiatives/TRA/> (accessed on 7 July 2006).

Recommendation 36

- 5.25 **The Committee recommends that the Department of Immigration and Multicultural Affairs, along with the Department of Employment and Workplace Relations and the Department of Education, Science and Training, review the assessing authorities in the trades and technical areas to ensure some consistency of approach in allocation of trades to either the Vocational Education Training and Assessment Services or Trades Recognition Australia.**
- 5.26 The processes of both TRA and VETASSESS for assessment of skills for migration purposes are paper based. Under migration regulations, TRA has set Uniform Assessment Criteria (UAC) which it uses to assess applications for the purposes of migration. The UAC applies a 'skills pathways' approach to these assessments – that is:
- TRA skills assessors are required ... to determine an applicant's skilled status, as well as the occupation for which they are to be assessed based on the requirements of at least one of five possible skill pathways, eg formal apprenticeship, informal apprenticeship, vocational traineeship, work experience or an Australian qualification.¹⁹
- 5.27 DEWR advised that 'TRA has the authority to set its own assessment standards and adopts a flexible approach to assessing applications from skilled trades people, including the recognition of prior learning'.²⁰
- 5.28 Most of the qualifications assessed by VETASSESS are in 'generalist occupations' and most do not have a national or state licensing authority 'to validate the qualifications and experience held for the purposes of employment within Australia. With unregulated occupations the recognition of qualifications is usually at the discretion of the employer'. The VETASSESS process involved 'assessing the applicant's qualification according to guidelines published by the National Office of Overseas Skills Recognition (NOOSR)' and providing 'a written statement on whether an applicant's post-secondary qualifications meet the educational requirements of their nominated 'generalist' occupation selected from the SOL'. VETASSESS advised that:

19 DEWR, *Submission No. 63*, p. 10.

20 Ms Connell, DEWR, *Transcript of Evidence*, 27 March 2006, p. 2.

Unlike some of the other assessing authorities VETASSESS is not required to assess the work experience of applicants in the nominated skilled occupations that it assesses.²¹

Post-migration recognition

- 5.29 In contrast to pre-migration skills assessment, a wider range of individuals may need to seek post-migration recognition of trade qualifications, including:
- Migrants under the GSM program whose skills are in fields that require registration or licensing;
 - Secondary GSM program applicants (family members et cetera) who may wish to work and thus need to have their skills assessed;
 - Family stream migrants;
 - Humanitarian entrants;
 - Temporary residents who wish to work in fields requiring registration or licensing; and
 - Australian citizens who have returned with overseas qualifications.
- 5.30 The nature of the assessment varies enormously with the type of occupation involved. As noted by VETASSESS, in a number of the occupations it covers there is no regulation and it is up to an employer whether they wish to have some documentary evidence setting out what an overseas qualification may mean in Australian terms.
- 5.31 While not all trades require registration or licensing, a number do. Registration or licensing requirements usually have been legislated 'for public health and safety reasons or to reflect internationally accepted standards of practice'.²²
- 5.32 Registration and licensing of trades within Australia is primarily a state and territory issue. As DEWR observed:
- The legislation covering the recognition of professional and trade qualifications varies across States and Territories. In order to practice in certain professions and trades, employees must be registered with the relevant Registration Board in the State/Territory ...
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21 VETASSESS, *Submission No. 86*, pp. 4-5.

22 DEWR, *Submission No. 63*, p. 5.

Each occupation, or group of occupations, has its own distinct pathway to recognition as a professional or tradesperson in Australia. The level of recognition in place largely determines the process. Based on this criterion, occupations can be grouped into three categories – those regulated by law, self-regulating and unregulated.²³

5.33 To illustrate this point, in Queensland, for example, trade recognition processes are conducted by:

- TRA for electrical, engineering and metal trades: successful applicants receive an Australian Recognised Trade Certificate (ARTC) which is mutually recognised in all other states and territories and accepted by licensing authorities;
- the Department of Education and Training's skills recognition unit: successful applicants receive a 'Certificate of Recognition', which is mutually recognised in all other states and territories and accepted by licensing authorities; and
- registered training organisations (RTOs) through the recognition of prior learning (RPL) pathway: the Australian Qualifications Framework (AQF) Certificate III is accepted by some industries and licensing bodies.²⁴

5.34 The Queensland Government advised that licensing bodies for the electrical, building and plumbing industries accept only Australian qualifications or Australian trade certificates, and one of the ways of meeting the requirements for a number of license categories is by holding an ARTC. However, as a complicating factor for applicants:

TRA does not assess equivalence for all categories of Queensland electrical work licence, and only provides a tradesman's certificate where an overseas qualification aligns fully with a local licence category. Therefore some applicants who may, for example, have a part qualification or whose work experience and qualification is in an area for which equivalence is not assessed will not gain any recognition. TRA do not assess for equivalence with a Queensland linesperson licence.²⁵

23 DEWR, *Submission No. 63*, p. 8.

24 Queensland Government, *Submission No. 83*, p. 9.

25 Queensland Government, *Submission No. 83*, p. 9.

- 5.35 The information available now through DIMA's web portal, particularly the material on the ASRI part of the site, will assist potential migrants as well as those already in Australia to determine the specific requirements for their particular trade.

Licensing, registration and mutual recognition

- 5.36 One of the significant frustrations with the present system, clearly identified by the COAG process, is that it is currently difficult for people with trade qualifications to move around Australia to work without undergoing additional testing and registration.

- 5.37 In its submission, DEWR noted:

Subject to certain conditions, if a person is registered to practice an occupation in one Australian State or Territory, they can carry out an equivalent occupation in any other Australian State or Territory **after gaining registration** with the relevant Registration Board.²⁶ (emphasis added)

- 5.38 Business SA explained the difficulties created by licensing and registration being different in each state, and the limited 'transportability' of such registration:

... we need a much more uniform national system than is in place at the moment. One area in which this is being looked at, which presents as a microcosm of what could be achieved, is in the occupational health and safety area for the licensing of high-risk occupations – scaffolding, dogging and rigging – where they are looking at a national system. It will be administered by the state bodies but it will be a national license and it will be maintained nationally.²⁷

- 5.39 COAG is working towards putting in place a more effective mutual recognition arrangement across states and territories, initially in a number of skills shortage trades and ultimately for all licensed occupations.²⁸ The Committee applauds this move to more effective mutual recognition arrangements in this regard.

- 5.40 Mutual recognition within the trades area is not impossible to achieve. The Committee was advised that already:

26 DEWR, *Submission No. 63*, p. 8.

27 Mr Frith, Business SA, *Transcript of Evidence*, 14 November 2005, p. 43.

28 COAG, *Communique*, 10 February 2006, p. 14.

There is a body called the electricity regulators association of Australia. It is an informal committee of regulators in each of the states. They have agreed on reciprocity. In fact, not only does that reciprocity operate in all states and territories for electrical workers but also it brings in New Zealand electrical workers. Electrical workers in New Zealand who are licensed have the right to apply. Even though there are separate license issues in each of the states and territories, a New Zealand electrical worker or electrician can come to Australia, show his New Zealand license and be given a New South Wales equivalent. If he moves to Queensland, he will be given the New Zealand equivalent.²⁹

COAG initiatives

5.41 As detailed in Chapter 2, in February 2006 COAG announced a national approach to apprenticeships, training and skills recognition to address the skills shortage facing Australia. In addition to the proposed changes to mutual recognition discussed above, there will also be a new streamlined and robust offshore skills assessment process. DEWR indicated that:

By 1 July 2007, [there will be] a single off shore assessment process which meets migration, qualification recognition and occupational licensing requirements to Australian standards for migrants from the main countries of origin for skilled migrants (namely India, UK, South Africa, Sri Lanka and South Korea) in the following occupations in demand: general electricians, general plumbers, motor mechanics, refrigeration and air conditioning mechanics, carpenters and joiners, and bricklayers ...

By 31 December 2008, a similar overseas assessment process will be available in all countries where there are more than 100 applications per annum per country.³⁰

5.42 This will be mirrored by a parallel onshore assessment arrangement for those who are living in Australia and want overseas skills recognised, and provisional licensing so that people with recognised

29 Mr Tighe, Communications, Electrical and Plumbing Union, *Transcript of Evidence*, 23 November 2005, pp. 88-89.

30 DEWR, *Submission No. 63d*, item 9.

overseas qualifications can work under supervision for short periods, while they complete licensing requirements.³¹

5.43 TRA will have a central role in the new offshore arrangements, as the overseas assessments will be conducted under its auspices by accredited organisations or individuals, with TRA tasked with maintaining the quality of assessments and protecting Australian standards.³²

5.44 While many of the details are still to be worked out, DEWR advised that:

TRA's role in that process is to establish the offshore assessment authorities and then undertake a monitoring and auditing role of the performance of those assessing authorities. We are still working through how we might best achieve that. It is our expectation that it might be conducted through an open tender process. ...

It will be monitored and audited from here in combination with cooperation from the Department of Immigration and Multicultural Affairs. We will undertake field trips and they will be supplemented by actual on the ground activity through the department.³³

5.45 The Committee supports this move to improve the offshore skills assessment process but has concerns about the long lead-time to put the revised assessment arrangements in place in the first five target countries for the six priority trades (nearly 18 months since the original decision was announced by COAG); and for the balance of trades and countries it will be nearly three years after the initial decision (December 2008).

5.46 DIMA officials cautioned:

That is considered to be a practicable and reasonable time frame given that the essential precondition for the implementation of those arrangements is the agreement of a single national standard in relation to the six trades concerned.³⁴

31 COAG, *Communique*, 10 February 2006, p. 14.

32 COAG, *Communique*, 10 February 2006, p. 14.

33 Mr Thomas, DEWR, *Transcript of Evidence*, 27 March 2006, pp. 16-17.

34 Mr Mills, DIMA, *Transcript of Evidence*, 27 March 2006, p. 30.

- 5.47 However, the Committee does not believe that those industries already facing delays and severe shortages in attracting skilled migrants would feel that such a timeframe was reasonable.
- 5.48 The Committee does not intend to canvas the nature of the overseas assessment system to be established under the COAG proposals. However, whatever system is established should be transparent, be undertaken by organisations that have a clear understanding of Australian workplaces and how our system works, and maintain the standards necessary to provide public confidence in overseas qualified tradespeople. The Committee believes that the initial system put in place by July 2007 should be independently assessed by a tripartite group comprising industry, union and public service representatives.

Recommendation 37

- 5.49 **The Committee recommends that the operation of the new system of overseas assessment due to be in place in the five target countries by July 2007 be assessed by a tripartite group comprising industry, union and public service representatives.**

Trades Recognition Australia

- 5.50 Trades Recognition Australia has a central role in the assessment of trades skills, not only for migration purposes but also domestically in a small number of significant trades.

TRA's pre-migration assessment role

- 5.51 Under Migration regulation 2.26B(1), TRA is one of a number of designated authorities able to assess the trade skills and work experience of prospective migrants. Prior to 1992, TRA only assessed the 49 occupations listed in the schedules to the *Tradesmen's Rights Regulation Act* (TRR Act) for pre-migration purposes, but since that date it has increased its scope and now assesses over 170 occupations,³⁵ in occupations as diverse as sign writers, florists, horse trainers and chefs.³⁶

35 DEWR, *Submission No. 63*, p. 9.

36 For more details on the assessing authorities, see the Skilled Occupation list on the DIMA website, <http://www.immi.gov.au/allforms/pdf/1121i.pdf> (accessed 31 July 2006).

- 5.52 The pre-migration assessment role of TRA has steadily increased over a number of years, and international applications now outnumber domestic applications by a factor of 10. For the period 1 July 2005 to the end of February 2006, there were 12,374 applications for pre-migration skills assessment, with domestic applications in comparison numbering 905 for the same period.³⁷
- 5.53 Until 30 June 2006, TRA's fees for international applications were \$300 for a standard application, \$500 for a priority application and \$300 for a review application (which may be refundable). The Committee notes that in the period 1 July 2005 to the end of February 2006, 59% of international applicants chose to have their applications treated as a priority, paying the higher fee.³⁸ Fees are set pursuant to the Australian Government's Cost Recovery Guidelines, and the fee structure was under review during the inquiry.³⁹
- 5.54 From 1 July 2006, TRA implemented a standard international application fee of \$300, and there will no longer be a \$500 priority assessment fee. This change was linked to revised performance targets by TRA, with priority given to assessing MODL applications (95 per cent of international MODL applications are to be finalised within 10 working days), with 95 per cent of all other applications to be finalised within 20 working days.⁴⁰

TRA's domestic assessment role

- 5.55 DEWR through TRA administers the TRR Act. The act provides a mechanism for assessing and formally recognising the skills in the metal and electrical trades of eligible Australian residents⁴¹ who developed their trade skills informally in Australia (through means other than the traditional apprenticeship system), in the Australian Defence Force or overseas. TRA conducts assessments in 49 prescribed metal and electrical trades (set out in the TRR Act and

37 DEWR, *Submission No. 63b*, p. 7.

38 DEWR, *Submission No. 63e*, p. 2.

39 DEWR, *Submission No. 63*, p. 10.

40 Trades Recognition Bulletin (undated), available at: <http://www.workplace.gov.au/NR/rdonlyres/88CA2A42-CDE7-4A38-9738-20DD5ADED79B/0/TRAFeeBulletin.doc> (accessed 1 August 2006).

41 The Committee received conflicting advice on whether temporary residents could obtain an ARTC through TRA. DEST indicated in its submission that this was the case (*Submission No. 91*, p. 28); but evidence from ILAA (*Submission No. 82*, p. 17) indicated that TRA would not issue an ARTC where the applicant was a temporary resident.

subordinate legislation).⁴² The domestic assessment component of TRA's work has been steadily decreasing over the last 15 years.

5.56 The TRR Act's original purpose was to assist in the task of resettling troops returning from the Second World War into the civilian work force and allow people who had developed their trade skills in industry during the war to receive appropriate recognition of those skills. The act was subsequently amended in the 1950s to also provide for the recognition of trade skills of migrants arriving in Australia. For many years it was the only way of providing a nationally accepted qualification as there was no uniformity of trade training and recognition systems across the states.

5.57 The Committee was advised that the system had worked 'relatively well' in meeting Australian industry requirements. There were offshore assessors to assist in assessing the skills of workers overseas. Those assessors:

... were able to travel ... to look at not only the applicants but also the training systems of the various countries. TRA developed criteria for these countries and guidelines for where criteria were not established.

...

We also used to send missions of industry partners and skills assessors overseas to look at systems of training in some of those other countries. ... The last mission to examine overseas skills systems was in the late eighties.⁴³

5.58 The TRR Act was amended on a number of occasions during the 1980s and 1990s. By 1998, however, given developments in the Australian recognition framework, the underlying rationale for continuing the act was felt to be no longer necessary and steps commenced to repeal the act. The *Tradesmen's Rights Regulation Repeal Bill 1999* proposed that the original act be repealed and that transitional provisions be put in place to deal with existing applications for skill assessment. While the bill passed the House of Representatives, it was still before the Senate when Parliament was

42 See *Tradesmen's Rights Regulation Act 1946*, [http://www.comlaw.gov.au/ComLaw/Legislation/ActCompilation1.nsf/0/1F37716EDA2D8EB2CA25713E008212E3/\\$file/TradesRightReg46.pdf](http://www.comlaw.gov.au/ComLaw/Legislation/ActCompilation1.nsf/0/1F37716EDA2D8EB2CA25713E008212E3/$file/TradesRightReg46.pdf) (accessed 25 July 2005).

43 Mr Tighe, Communications, Electrical and Plumbing Union, *Transcript of Evidence*, 23 November 2005, pp. 84-85.

dissolved prior to a general election and was not reintroduced in the following parliamentary term.

- 5.59 The TRR Act covers six trades: engineering, boilermaking, blacksmithing, electrical, sheet metal and boot trades.⁴⁴ The act establishes a Central Trades Committee (comprising a representative of the Minister, two employer representatives and two employee representatives) for each of the six trades and a Local Trades Committee (LTC) in each state (comprising a similarly sourced membership).⁴⁵ LTCs consider requests for recognition of skills and may grant a tradesman's certificate (an ARTC). The Central Trades Committee supervises the LTCs as to the general procedure to be followed in performing their functions.
- 5.60 TRA fees for domestic applications until 30 June 2006 were:
- Application for trade certificate: \$300;
 - Application for trade certificate (where applicant has already been assessed for migration purposes by TRA): \$100;
 - Trade test: \$270;⁴⁶ and
 - Replacement trade certificate: \$130.⁴⁷
- 5.61 New fees were announced by TRA to take effect from 1 July 2006. TRA no longer requires a \$100 application fee for a domestic trade certificate where the person has already been assessed in TRA's international stream, as 'Applicants in these circumstances have already paid an application fee to have their skills assessed in the international stream'. TRA has also implemented a \$300 reapplication fee. In effect this appears to be operating as a type of appeal process, in that:

In the event of an unsuccessful Domestic application, applicants may submit a reapplication with or without additional information. If the decision is overturned with no new information, the \$300 reapplication is returned. If the

44 The Committee did receive one suggestion that the TRRA be extended to include all trades, but did not consider this appropriate given its conclusions about the operation of the act. See Mr Maxwell, Construction, Forestry, Mining and Energy Union, *Transcript of Evidence*, 23 November 2005, p. 93.

45 Although evidence from DEWR suggests there are no Committees established for boot trades currently. See DEWR, *Submission No. 63c*, p.1.

46 The Committee understands that TRA subsidise the cost of such trade tests (see Mr Thomas, DEWR, *Transcript of Evidence*, 27 March 2006, p. 9).

47 Western Australian Department of Education and Training, *Submission No. 20a*, p. 2.

decision is overturned based on new information, the \$300 reapplication fee is retained.⁴⁸

5.62 As TRA has recognised, a number of the domestic applications it processes include applicants who have already been assessed by it for migration purposes prior to arrival in Australia. Because of time lags, applicants most likely 'had their international assessment in previous financial years'.⁴⁹ TRA estimated that, as of April 2006, just over half of TRA's domestic stream applicants had also been assessed through TRA's offshore process. From these figures, it appears that less than 500 domestic applications per year may be 'new' applications, in the sense of not having had any assessment by TRA previously.

5.63 This double handling of applications (assessed once by TRA for migration purposes and then a second time by TRA when onshore for issue of an ARTC) was a source of some understandable frustration:

They have to get here onshore and put basically the same paperwork in again to the same organisation to be assessed for their trade certificate. Isn't there a better way? Can't they combine the list? Can't they do it while they are offshore? Why do they have to wait until they are onshore?

...

If the same organisation is checking it to one list and then waiting for you to get onshore and checking it to another list, surely they can get the one lot of paperwork and expand it to whatever they need so that they can cover both lists with the one application.⁵⁰

5.64 The Committee hopes that the system established under the COAG initiatives will address this issue of double-handling, leading to a situation where the pre-migration assessment is sufficiently rigorous to mean that no further domestic assessment is required for all trades.

5.65 In examining the way in which these domestic applications are assessed the Committee examined the relationship between the TRA assessors and the LTCs. It was explained in the following terms:

48 TRA Bulletin, <http://www.workplace.gov.au/NR/rdonlyres/88CA2A42-CDE7-4A38-9738-20DD5ADED79B/0/TRAFeeBulletin.doc> (accessed 1 August 2006).

49 DEWR, *Submission No. 63d*, p. 6.

50 Ms Fletcher, Goldfields Esperance Development Commission, *Transcript of Evidence*, 15 November 2005, pp. 48-49.

There are local trades committees established in each state, and they comprise employer and employee representatives. They are the actual bodies that approve applications for domestic skills assessments. TRA's role is to provide them with administrative and secretariat support. It is actually the local trades committee that approves the issuing of Australian recognised trades certificates for domestic purposes.

...

TRA's role is to provide an assessment and a recommendation to the local trades committees. The local trades committee generally meet, although they do do assessments out of session. TRA's role is to provide them with the information necessary for them to make an assessment of an individual's application.

...

TRA provides the administrative support for the LTCs. That would include all direct contacts with applicants. Under committee structure, TRA provides the secretariat to them, so they relay the decisions that are made by LTCs, including where LTCs regard that the skills in the individual may need some further assessment through things such as trade tests. Indeed, trade tests are conducted within the individual's home state or territory. ... In terms of the completeness of the assessment process, the paper assessment is done through the office in Melbourne. That may be supplemented through interviews that are conducted over the phone.⁵¹

- 5.66 The Committee attempted to determine if TRA had a supervisory role in regard to the Central Trades Committees, but was advised that these committees 'play a key role in determining the [assessment] criteria. They are established in their own right. ... They are responsible for their own performance'.⁵²
- 5.67 The actual relationship between TRA, its assessors and the Committees was not always clear, even to those involved in the system:

51 Mr Thomas, DEWR, *Transcript of Evidence*, 27 March 2006, pp. 4-6.

52 Mr Thomas, DEWR, *Transcript of Evidence*, 27 March 2006, p. 13.

I am on central trades. The [applications] ... that cannot be signed off by a skills assessor come to us; we get the ones in the too-hard basket.⁵³

5.68 Given the declining number of applications dealt with, the allocation of nine assessors in the TRA office and the existence of LTCs in most states and territories, the Committee had concerns about the resources being devoted to a diminishing component of TRA's work. The current system of TRA and the Central and Local Trades Committees was defended by the National Electrical and Communications Association (NECA), which held that:

The Central and Local Trades Committees have proved to be efficient and cost effective. They are supported by industry and industry makes available a considerable intellectual capability to support the process, complement the system at no cost to government, other than the direct meeting expenses.⁵⁴

5.69 The Committee was surprised to note, however, NECA's observation that:

... the TRA process has managed the volume of applicants within acceptable timeframes. The procedures for assessing claims, committee attention and response are appropriate. There have been no circumstances of exceptional backlogs or delays in providing a response to applicants.⁵⁵

5.70 This goes against a wealth of other evidence received by the Committee about TRA's performance, detailed later in this chapter.

5.71 Several submissions held that the Trades Committees played a role in considering applications for pre-migration skills assessment.⁵⁶ This is clearly not the case, as was confirmed by DEWR, who indicated that 'the international assessment is completely separate to the domestic process'.⁵⁷

53 Mr Tighe, Communications, Electrical and Plumbing Union, *Transcript of Evidence*, 23 November 2005, p. 86.

54 National Electrical and Communications Association, *Submission No. 53*, p. 2.

55 National Electrical and Communications Association, *Submission No. 53*, p. 2.

56 See for example, CFMEU, *Submission No. 11*, p. 5; and CEPU Electrical Division, *Submission No. 87*, p. 5.

57 Mr Thomas, DEWR, *Transcript of Evidence*, 27 March 2006, p. 14.

Alternatives to TRA's domestic assessment process

5.72 While the ARTC issued by TRA is widely accepted, it is not the only assessment process available in Australia for those seeking recognition of qualifications in the metal and electrical trades. DEWR advised the Committee that:

... TRA undertakes trades skills assessments for eligible Australian residents in prescribed metal and electrical trades. TRA does not have a monopoly on this activity. Registered training organisations, including state and territory authorities and private organisations, also offer trade skills assessment for Australian residents in the metal and electrical trades.⁵⁸

5.73 State and territory based recognition authorities provide trade recognition by assessing an applicant against specific competencies, leading to the issuing of an AQF Certificate III. From TRA's perspective, however, the AQF is not automatically equivalent to the ARTC. DEWR noted that:

If a person has completed an AQF level III, that is certainly very strong evidence required by TRA to approve their application.⁵⁹

5.74 However, under the UAC, TRA requires applicants to 'provide evidence of relevant and directly relevant work experience equalling not less than 900 hours'.⁶⁰

5.75 DEWR has stated that the AQF does not hold the same level of industry support as the ARTC and that its system is more affordable and timely for applications.⁶¹ While there are issues about the level of acceptability of qualifications outside the ARTC, the Committee received no evidence to support the claims about the affordability and timeliness of the ARTC in relation to other qualifications. DEWR did indicate that COAG initiatives in developing a national approach to apprenticeships, training and skills recognition will strengthen the AQF.

5.76 A major stumbling block to the wider acceptance of the AQF by registration authorities is the lack of preparedness of state registration

58 DEWR, *Submission No. 63c*, p. 2.

59 Mr Kibble, DEWR, *Transcript of Evidence*, 5 September 2005, p. 35.

60 DEWR, *Submission No. 63b*, p. 15.

61 DEWR, *Submission No. 63d*, item 2.

bodies to accept alternatives to the ARTC. In May 2005 the Minister for Immigration and Multicultural Affairs announced that for the Employer Nominated Scheme, 'as an alternative to TRA, the department would accept a skills assessment from the department of industrial relations in the state or territory where [the person] would be working'.⁶²

- 5.77 The Committee was advised that, at least in one state, this did not have the desired result of providing greater flexibility:

DIMIA made this change to try and alleviate some of the processes. It was hoped that this change would allow access to State Licensing for electricians without the need for TRA. However, changes in the Energy Safety assessments in Western Australia have negated this change. In Western Australia currently, even for a temporary visa, a TRA assessment is required for an applicant to be considered.⁶³

- 5.78 As with the work currently being done by COAG, greater participation by the states and territories in assessment and recognition across all trades should provide a more flexible and responsive system to all involved:

So any profession ... that requires licensing at a state level, we could just say, 'This is what we find acceptable,' and then could apply straight to our state bodies. We could do that today. If we could come up with a network that says, 'This is what we want on a state basis,' then we could do that. DIMIA has given us that wording in their paperwork to allow us to do that right now. I do not know how well that has been communicated to the states. I think that is where the block is, because I do not think that has been readily accepted, and I do not think the departments here are even aware that they have that power ... If it is a state licensing issue, I think we can make that a lot quicker and a lot easier because we basically have the powers now.⁶⁴

- 5.79 Frustrations with the current system were obvious in the evidence taken by the Committee, leading to a number of options being

62 Mr Fitzhardinge, Western Australian Skills Advisory Board, *Transcript of Evidence*, 15 November 2005, p. 7.

63 Goldfields Esperance Development Commission, *Submission No. 38*, p. 5.

64 Ms Fletcher, Goldfields Esperance Development Commission, *Transcript of Evidence*, 15 November 2005, pp. 46-47.

suggested. The Goldfields Esperance Development Commission argued:

The streamlining of the process also needs to be addressed. Consideration needs to be given to the requirements of TRA and the State licensing; *are these both necessary?* It may be more appropriate to establish or approve State-assessing bodies for electrical trades. Companies and applicants could then submit the required paperwork to a State body that could determine if they meet the requirements.⁶⁵

5.80 An alternative solution was put by Business SA:

... the best mechanism that Business SA can recommend to resolve the issue is to look at the federal government absorbing responsibilities and powers for licensing and registration of all skill areas if they are not able to be resolved at a national level. This will assist in reducing the complexity of the system and increase the usability and clarity of the different state jurisdiction systems.

... if it cannot be resolved nationally, you could approach this process by trying to get agreement between all jurisdictions and trying to get the processes streamlined. ...we are interested in anything that is actually going to work.⁶⁶

5.81 The Western Australian Chamber of Commerce and Industry noted that the state-based licensing systems were a second assessment process (following TRA approval) and involved additional time delays:

A single State-based system of trades recognition and licensing would provide time and resource efficiencies and speed up the process significantly.

The National Training Quality Council (NTQC) has identified that trying to navigate parallel systems of vocational education and training and licensing requirements presents considerable confusion and translated to additional challenges and impediments for employers and migrants.

...

The difficulties facing employers and migrants would be substantially reduced if the Australian Government were to

65 Goldfields Esperance Development Commission, *Submission No. 38*, p. 8.

66 Ms Lablack, Business SA, *Transcript of Evidence*, 14 November 2005, pp. 42-43.

allow trades recognition arrangements, currently managed at a national level by TRA, to be amended to allow State based approvals. This should enable arrangements to be put in place for licensing and regulatory requirements to be met at the same time as the trade recognition process.⁶⁷

- 5.82 The Committee fully supports the initiatives underway under the auspices of COAG to bring greater rationality to the system. While there is some appeal in centralising all assessment, recognition and licensing on a national basis, the Committee believes the best way to move forward is to follow the COAG model of more effective mutual recognition across states and territories and standardisation of what skills are necessary for a particular trade.

Specific issues arising from the TRA process

- 5.83 Criticism of TRA's performance was a strong theme in submissions to the inquiry. Typical of the comments were the following:

The performance of Trades Recognition Australia (TRA) has received widespread criticism for their inflexible approach to skills assessments and appeals processes.⁶⁸

The performance of Trades Recognition Australia has in the past been characterized as poor and unresponsive.⁶⁹

Many of TRA's policies are out of date and fetter skilled migration.⁷⁰

- 5.84 The Migration Institute of Australia summarised the concerns of its members in relation to TRA in the following terms:

- Lack of clear guidelines for assessments
- Lengthy processing times
- Lack of clearly expressed reasons for decisions
- Lack of independent review mechanisms for decisions...
- Poor access to TRA staff during processing
- Not requesting further documentation during processing

67 Chamber of Commerce and Industry Western Australia, *Submission No. 50*, p. 2.

68 Western Australian Government, *Submission No. 16*, p. 2.

69 Mr Fitzhardinge, WA Skills Advisory Board, *Transcript of Evidence*, 15 November 2005, p. 4.

70 Immigration Lawyers Association of Australia, *Submission No. 82*, p. 17.

- Inconsistency of outcomes – applicants completing identical courses have received different outcomes
- Lack of responsiveness when such issues are raised with management.⁷¹

5.85 The decline in performance by TRA was traced by one witness to budgetary cuts that affected the way TRA worked:

Since its inception and development through the fifties and sixties until relatively recently – over the last 10 years – it was a good solid system. ... The difficulty some 10 years ago was that the process of the examination of skilled workers from overseas started to change fundamentally. The budget for the work that Trades Recognition Australia undertook was downsized and eventually moved to a full cost recovery arrangement. Overseas assessors were withdrawn and that made the system more paper based. We now have people making more focused paper based assessments, and some of the people making those assessments do not actually hold the qualifications held by the people they are assessing.⁷²

5.86 TRA was very aware of the criticisms of its performance and has taken steps during the course of the inquiry to address a number of issues. The Committee was pleased to note that since mid-2005 TRA's performance had improved. DEWR reported that 'the re-engineering of TRA's international business processes in 2004' has led to significant reductions in processing times, while maintaining a high standard of audit and fraud control.⁷³

5.87 The Committee was advised:

TRA has made significant improvements to its operations during this and the previous financial year. It has introduced new key performance indicators, it has significantly reduced its assessment turnaround times, it has revised its assessment processes and it has improved client access and information flows to key stakeholders.⁷⁴

5.88 Despite these improvements a number of concerns remain about TRA's performance. These are discussed in the following sections. Because of TRA's dual role, some issues relate more to domestic

71 Migration Institute of Australia, *Submission No. 34*, p. 25.

72 Mr Tighe, Communications, Electrical and Plumbing Union, *Transcript of Evidence*, 23 November 2005, pp. 84-85.

73 Ms Connell, DEWR, *Transcript of Evidence*, 5 September 2005, pp. 30-31.

74 Ms Connell, DEWR, *Transcript of Evidence*, 27 March 2006, p. 2.

applications, while others relate to TRA's role as a pre-migration assessing authority. Other concerns cover both roles.

Structural issues

- 5.89 TRA operates in two locations: in Canberra, where international applications are processed, and in Melbourne, where domestic applications are processed. This is a significant contraction of TRA's presence around Australia, with offices in Western Australia, Queensland and Tasmania having been closed in recent years.
- 5.90 There are approximately 30 staff based in Canberra (of which 15 are assessors); in Melbourne there are nine assessing staff, with additional support personnel. Staffing numbers in TRA 'have increased by about 10 overall' since June 2005, and as at March 2006, further recruitment action was underway.⁷⁵
- 5.91 Based on the figures from 1 July 2005 to 28 February 2006, the 15 assessors based in Canberra dealt with 12,374 pre-migration applications; the nine assessors in Melbourne, supporting the LTCs, dealt with 905 applications. This disparity in workload, particularly given that the actual decision-making is with the LTCs, is of concern. The Committee found DEWR's explanation for the disparity less than convincing:

Domestic assessors often need to spend longer on individual cases to prepare submissions to take to the LTCs and conduct face to face technical interviews with applicants. In addition to assessing applications, the domestic assessors are also responsible for some of the administration associated with the LTCs. Domestic assessors also field inquiries from applicants whereas in the international stream there is a business support unit to assist with this role.⁷⁶

- 5.92 Another common complaint was the lack of a TRA presence in the states and associated difficulties in making contact with the two remaining TRA offices by telephone.

- 5.93 State representatives argued for local offices of TRA to be re-established:

If anything becomes complex or requires detailed explanation, it is far more difficult at a distance. ... The fact

75 Mr Thomas, DEWR, *Transcript of Evidence*, 27 March 2006, pp. 3-4.

76 DEWR, *Submission No. 63d*, item 7.

that there is not a structure that operates from within Western Australia is of major concern.

...

[W]e see that there would be significant benefits in TRA having a local presence and a strong arrangement with bodies such as the overseas qualifications unit from the Western Australian government.⁷⁷

5.94 DEWR argued that re-establishing TRA offices in other locations was not warranted:

... there is simply no business case at the moment. ... the actual local trades committees that exist within each state are the bodies that make the decisions. We merely provide an administrative service, and it is more cost efficient to do that in a centralized fashion.⁷⁸

5.95 DEWR provided the Committee with a table showing the geographic distribution of domestic applications for the period 2003-04 to 2005-06. The Northern Territory and Tasmania, for each of the three years, was the source of seven or less applications each per year. For the remaining states, in the last full financial year (2004-05) numbers were:

■ NSW	177
■ Vic	334
■ QLD	330
■ WA	183
■ SA	106 ⁷⁹

5.96 The Committee agrees that, on the basis of these figures, it would be hard to establish a business case to support the reopening of individual state-based TRA offices to deal solely with **domestic** applications. However, the Committee believes that TRA would provide better service to the state and territory Overseas Qualifications Units (OQUs), industry and other stakeholders if it outposted officers to each OQU, similar to the outposting of DIMA officers to industry that has proved so successful. With TRA's enhanced role under the COAG reforms, closer contact and liaison

77 Mr Fitzhardinge, WA Skills Advisory Board, *Transcript of Evidence*, 15 November 2005, p. 6.

78 Ms Connell, DEWR, *Transcript of Evidence*, 27 March 2006, pp. 5-6.

79 DEWR, *Submission No. 63e*, p. 2.

will be vital to ensure that the reforms proceed and the new systems instituted meet the needs of employers and industry.

Recommendation 38

- 5.97 **The Committee recommends that Trades Recognition Australia transfer officers to state and territory Overseas Qualifications Units (or their equivalent), where justified by demand, to provide direct liaison with all stakeholders to assist in the implementation of the Council of Australian Governments reforms.**
- 5.98 While closure of the state TRA offices may have been as a result of changing business practices, it is important that clients of TRA are able to contact the office in a reasonable timeframe if necessary. The hours for the telephone inquiry line were also criticised. In March 2006, the Committee was advised the hours were:
- For international applicants: 2-5 pm Australian Eastern Standard Time (AEST) on Mondays and Wednesdays; and 9 am-3 pm (AEST) on Fridays. (The Committee notes, however, that the TRA website currently lists contact details on Fridays as being 9 am to 12 noon);⁸⁰ and
 - For domestic applicants, contact hours are normal business hours (9 am-5 pm), Monday to Friday.⁸¹
- 5.99 TRA advised that 'the inquiry line relates to the international application stream of applicants' and that feedback indicated that the majority of applicants were only waiting a short time: 'Those hours are flexible inasmuch as they relate to resource availability to enable our business support unit to deal with applications that come in'. However, the TRA representative went on to indicate that the times would be reviewed in future.⁸² TRA also indicated that a message system was on at all times, and contact by email was also another method used by applicants.
- 5.100 The Committee examined the implications for the five main source countries (as identified by COAG) for trades: India, the UK, South Africa, Sri Lanka and South Korea. Based on AEST, the impact is varied across the five countries. For South Korea, the hours are not

80 TRA website, <http://www.workplace.gov.au/workplace/Category/SchemesInitiatives/TRA/ContactTRA-forpeopleintendingtomigratetoAustralia.htm> (accessed 7 July 2006).

81 DEWR, *Submission No. 63e*, p. 1.

82 Mr Jamonts, TRA, *Transcript of Evidence*, 27 March 2006, pp. 6-7.

too great an impediment to an individual attempting to make contact (AEST minus 1); Sri Lanka and India (AEST minus 4 ½) are still able to contact TRA on the three days at reasonable times. For South Africa and the United Kingdom (AEST minus 8 hours and minus 10 hours respectively), the current business hours require applicants to call in the middle of the night or very early in the morning if they wish to speak to someone in TRA. The Committee concluded that the hours as they stand are largely inadequate for any meaningful contact to be made from those countries.

5.101 It was apparent also that the problem with contacting the TRA office was not just limited to international calls and that there was confusion about the hours within which TRA could be contacted. TRA indicated that for domestic applications 'we generally take calls live but if someone is unable to take a call it goes to an answering machine and we respond to that call as soon as possible'.⁸³

5.102 A representative of the Chamber of Minerals and Energy, WA, advised that:

... when an organisation does want to deal with TRA, the TRA office is only open for public phone calls for a very short period of time and on certain days of the week. I think that prohibits the speeding through of the process of recognising skills.⁸⁴

5.103 Not only were the difficulties of making contact an issue; the whole question of use of the telephone to undertake assessment of individuals was also criticised:

One of the problems in this state is that many of our migrants are initially assessed on the telephone and that is a known area of poor performance. It limits their ability for subsequent trade testing within the system at the moment.⁸⁵

... you have to deal with them via the telephone or by letter. Several of my clients have been telephoned and have been given an assessment over the telephone, which includes

83 Mr Jamonts, TRA, *Transcript of Evidence*, 27 March 2006, p. 8.

84 Ms Thomas, Chamber of Minerals and Energy, Western Australia, *Transcript of Evidence*, 20 April 2006, p. 31.

85 Mr Player, Department of Education and Training, Western Australia, *Transcript of Evidence*, 15 November 2005, p. 18.

industry terminology which the clients are not yet familiar with.⁸⁶

5.104 As the Queensland Department of Employment and Training observed:

It is difficult for people from non-English-speaking backgrounds or from overseas to deal with a government office that has such importance to their career path over the phone. We have difficulty ourselves in our skills recognition office when calling TRA and only receiving an answering machine. Whilst they do call back, our initial contact is always an answering machine.⁸⁷

Recommendation 39

5.105 **The Committee recommends that, during the period leading up to the introduction of new offshore processing arrangements, Trades Recognition Australia (TRA) expand its international telephone service hours to improve access for the five main source countries for trades. In addition, TRA should ensure that telephone contact from within Australia can be made to both its Canberra and Melbourne offices during normal business hours.**

Processing times

5.106 One of the major criticisms of TRA centered around the time taken to process assessments. TRA's performance was described as:

... not facilitative, where people were waiting for months and sometimes years for responses, where some of the decisions were made without any explanation whatsoever. ... People were being refused without any explanation, being told they could make an appeal but not being advised on what grounds their application had been refused – whether it was the basis of their formal training, an absence of evidence of their on-the-job experience or a technical problem with their documentation.⁸⁸

86 Ms Winter, South Metropolitan Migrant Resource Centre, *Transcript of Evidence*, 15 November 2005, p. 32.

87 Ms Rogers, Queensland Department of Employment and Training, *Transcript of Evidence*, 9 March 2006, p. 47.

88 Mrs Cunningham, Department of Business, Economic and Regional Development, Northern Territory, *Transcript of Evidence*, 14 November 2005, p. 2.

- 5.107 While anecdotal evidence varied, it appeared that TRA in the past was taking over three months to process a priority application, and six months for a non-priority application.⁸⁹
- 5.108 On 1 January 2006, TRA introduced a new performance indicator – that 95 per cent of international MODL applications would be assessed within 10 working days. This target was being met when TRA spoke to the Committee in March 2006.⁹⁰
- 5.109 Given the continuing increase in applications being dealt with by TRA and the new responsibilities being allocated to it under the COAG initiatives, the Committee remains concerned that TRA may not be able to sustain the improved response times it has moved to this year. It is important that TRA's performance in meeting these targets is maintained as a return to the long delays of the past is not acceptable.

TRA's assessment process

- 5.110 TRA's system of assessment of international applications is paper based. While there is detailed information on the web site setting out what is required, TRA was criticised for not seeking additional documentation:

TRA has implemented a policy whereby they will not request additional documentation or engage in any substantive communication with applicants after lodgment. As far as we are aware, all other skills assessing authorities will request necessary additional information.⁹¹

- 5.111 A second issue was identified by the Queensland Department of Employment and Training:

That is another issue with the TRA pre-migration process: it does not align with the occupations and the qualifications. If a trade recognition process used national competency standards with an AQF outcome then it would satisfy licensing needs across most states and territories. I

⁸⁹ See for example, Mr Webster, Migration Institute of Australia Ltd, *Transcript of Evidence*, 23 November 2005, p. 45; the previous average processing time of 120 working days (ie nearly six months) was referred to in a number of submissions, including Goldfields Esperance Development Commission, *Submission No. 38*, p. 3. One submission (No. 52) told of a four month wait for a priority assessment.

⁹⁰ Mr Thomas, DEWR, *Transcript of Evidence*, 27 March 2006, p. 14.

⁹¹ Migration Institute of Australia, *Submission No. 34*, p. 22.

understand COAG is looking at and dealing with the licensing issue ...⁹²

5.112 This point was also made by Restaurant and Catering Australia:

Trades Recognition Australia applies a Uniform Assessment Criteria in assessing international stream applications, not the Units of Competency from the National Training Packages. The current assessment of skills is therefore out of step with the industry licensing and recognition processes. The industry does not support this approach.⁹³

5.113 The lack of feedback to an applicant was also of concern, particularly in regard to domestic applications when an applicant might be in a position to undertake additional training to meet any gaps in the required competencies. However:

The structure of the assessment process for trade recognition means that an unsuccessful candidate is unable to obtain a statement of those competencies successfully achieved, which would enable employment to be gained on the basis of current skill level. Currently, it is an 'all or nothing' system, which means that pathways cannot be established. The end result is that adults over the age of 21, who wish to get into trade areas that are still operating under the old apprenticeship system, cannot demonstrate to an employer that their additional skill level warrants the additional wage that the employer would have to pay an adult.⁹⁴

5.114 The Communications, Electrical, Electronic, Energy, Postal, Plumbing and Allied Workers Union of Australia was critical of the TRA process in two ways:

- the Skills Assessors are qualified tradesmen, but not necessarily in the same trade as they are assessing, although they are also qualified workplace assessors under the Australian Recognition Framework (ARF); and

92 Ms Rogers, Queensland Department of Employment and Training, *Transcript of Evidence*, 9 March 2006, p. 45.

93 Restaurant and Catering Australia, *Submission No. 41*, p. 13.

94 Brotherhood of St Laurence, *Submission No. 23*, p. 3.

- TRA relies on country education profiles produced by AEI-NOOSR or Central Trades Committee Tripartite Mission reports, the latter being out of date as such missions ceased in 1988.⁹⁵
- 5.115 The CEPU felt that ‘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’.⁹⁶ The CEPU argued for the reinstating of overseas based assessors to speed up the process ‘as applications could be more quickly technically assessed by people with local knowledge of what constitutes equivalent skills and training’.⁹⁷
- 5.116 The Immigration Lawyers Association of Australia noted that:
- There appears to be a preference for applicants who have completed an apprenticeship type of training be it formal or informal. However, in many countries, trade skills are often gained through work experience. Overall, the TRA approach appears to be narrow and may work against work experience based applicants.⁹⁸
- 5.117 The Committee believes that TRA should reexamine its international assessment processes in the area of metal and electrical trades as part of the move to revised overseas assessment processes. For the period 1 July 2005 to the end of February 2006, 84 per cent of domestic applicants who had previously been accepted by TRA’s international stream obtained an ARTC. However, on these figures, 16 per cent did not, leading to questions about the gap between assessment for migration and assessment to be ‘job ready’. DEWR noted that applicants were unsuccessful because they ‘cannot fulfill a capability-based assessment’.⁹⁹ Under the more ‘robust’ off-shore skills assessment envisaged by COAG, the Committee hopes that such failure rates will become a thing of the past.

95 CEPU, *Submission No. 87*, pp. 2-3.

96 CEPU, *Submission No. 87*, p. 4.

97 CEPU, *Submission No. 87*, p. 6.

98 Immigration Lawyers Association of Australia, *Submission No. 82*, p. 15.

99 DEWR, *Submission No. 63d*, p. 6.

Appeal process

- 5.118 The review process available to those dissatisfied with a pre-migration assessment decision was also raised with the Committee. A review of the TRA decision can occur, for a fee of \$A300.
- 5.119 The way in which reviews are conducted was also criticised:
- Review of applications however, are confined to the existing documents and no additional clarifications or evidence would be considered. Review applications are assessed in consultation with the primary decision maker.
- TRA advised us that it would be rare for a primary decision to be varied at review. There is a perception that the review process may not be as independent as it should be.¹⁰⁰
- 5.120 The Committee notes that, under the new fee structure that commenced on 1 July 2006, domestic applicants can reapply, submitting additional information, for a fee of \$300. This is in effect the same as lodging a new (updated) application for assessment.
- 5.121 The Committee notes that if applicants do not get sufficient feedback on why their applications are unsuccessful, the chances of any reapplication (or appeal) is reduced.

Future directions for TRA

- 5.122 The improvements in TRA's performance over the previous 12 months were noted in evidence to the Committee in the later stages of the inquiry:

I understand that Trades Recognition Australia have improved their processes in recent times.¹⁰¹

There have been recent improvements in processing time and there has been more flexibility provided with appeals, but Trades Recognition Australia is such a crucial part of the migration process that it is important not only that it be responsive and efficient, but also that its processes are well

100 Migration Institute of Australia, *Submission No. 34*, p. 22.

101 Mrs Cunningham, Department of Business, Economic and Regional Development, Northern Territory, *Transcript of Evidence*, 14 November 2005, p. 2.

understood and transparent and that it has a footprint right across Australia.¹⁰²

...there does seem to be a cultural change ... I do not know whether it is due to funding but there do seem to be some new assessors there. The turnaround times do seem to be quicker.¹⁰³

5.123 While those improvements were acknowledged, however, further improvements were sought:

... whilst we acknowledge some recent advice that the system has been improved somewhat lately, it is probably worth reinforcing again that the TRA process ultimately needs to be able to support the Australian government's objective of attracting more skilled migrants to the country rather than being a barrier to the process. It really needs to be much more customer-focused service. At the moment the feedback we get from individuals and migration agents who are assisting people with their migration processes is that ultimately it is not a particularly user-friendly process.

... the current advice that TRA has more resources and is changing its processes to be more user friendly is certainly welcomed, and we just hope that it is maintained.¹⁰⁴

... TRA has made a few good changes to the way that they communicate with people. ...However, we are still concerned about a few matters with respect to the TRA. ... Firstly, there is a perceived inconsistency with some of their decisions. We have had situations where people with identical qualifications have reached different outcomes through the TRA. Secondly, Trades Recognition Australia, unlike pretty much every other skills-assessing authority, will not request additional documents with respect to an application. They will simply refuse it if the documentation is incomplete. And, finally, the reasons for decisions given by the TRA are very

102 Mr Fitzhardinge, Western Australian Skills Advisory Board, *Transcript of Evidence*, 15 November 2005, p. 4.

103 Mr Webster, Migration Institute of Australia Ltd, *Transcript of Evidence*, 23 November 2005, p. 44.

104 Mr Hill, Department of Industry and Resources, Western Australia, *Transcript of Evidence*, 15 November 2005, p. 5.

brief and it is very difficult to understand the basis of the refusal.¹⁰⁵

I think TRA has improved and I would like to see them continue to improve, particularly in relation to customer service. It is the customer service component – opening their hours up a little more, continuing to process applications in a timely manner and the like.¹⁰⁶

5.124 A word of caution was sounded, however:

... while the TRA changes are good and they show they are moving in the direction of addressing processing times, I think it is a largely cosmetic change. I do not think that is addressing the core issues.¹⁰⁷

5.125 Given the elaborate system (TRA assessors plus Local and Central Trades Committees) in place for assessing a comparatively small number of domestic applications, the existence of alternative skills assessment pathways and the moves to strengthen the recognition of AQF, the Committee can see little justification for TRA continuing its role in assessment of domestic applications in the area of electrical and metal trades.

Recommendation 40

5.126 **The Committee recommends that the *Tradesmen's Rights Regulations Act 1946* be repealed, and Trades Recognition Australia cease to conduct domestic assessments of skills in the electrical and metal trades.**

Recommendation 41

5.127 **The Committee recommends that Trades Recognition Australia confine its activities to the international assessment of overseas qualifications for migration purposes, in line with the Council of Australian Governments directives to guarantee the quality of assessments and protection of Australian standards.**

105 Mr Webster, Migration Institute of Australia Ltd, *Transcript of Evidence*, 23 November 2005, p. 42.

106 Ms Thomas, Chamber of Minerals and Energy, Western Australia, *Transcript of Evidence*, 20 April 2006, p. 39.

107 Mr Lingham, Absolute Immigration Services, *Transcript of Evidence*, 23 November 2005, p. 46.

Recommendation 42

- 5.128 **The Committee recommends that, subject to the Council of Australian Governments' agreement, a state-based trade recognition system be instituted, based around the Australian Qualifications Framework, for those trades currently covered by the Australian Recognised Trade Certificate system.**