

Submission No.	10
Date Received	22-6-05

Attachment A

JOINT STANDING COMMITTEE ON MIGRATION

INQUIRY INTO OVERSEAS SKILLS RECOGNITION, UPGRADING AND LICENSING

My submission is restricted to comments on Trades Recognition Australia (TRA) and the occupations assessed by TRA. I offer four points for consideration by the committee.

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Point 1 – TRA review process

Currently if a migration skills application is not accepted by TRA the applicant is offered a review of decision for a fee of AUD\$300.00. The review is conducted by a skills assessor not involved in the original assessment and when completed the review outcome is either 'Decision upheld' or 'Decision overturned'. If the applicant is dissatisfied with the initial decision and subsequent review the options are then to refer the matter to the Ombudsman or the AAT.

BY: *MLL*

My comments

The review as conducted is incorrectly named because it is a reconsideration of the application with the outcome either upholding or overturning the initial decision. A review of a decision (as evidenced by APS procedures and government policy) should examine in detail all evidence presented in the application and determine the correctness of the decision by the skills assessor and make recommendations as to remedial action to be taken (if any) by the department. TRA's reviews are conducted by skills assessors that also undertake skills assessor duties and are drawn from the pool of skills assessors in the office. The staff are colleagues who work together year in and out who have to work with persons whose decisions they have overturned and possibly have the same done to them. They are subject to censure and derision by co workers disagreeing to review outcomes. They are also subject to the overlying TRA culture and policies as opposed to impartially applying the underlying regulations and legislation. The review process is not an independent, arms length examination of the assessor's decisions and fails to make assessors accountable for the decisions taken. There is a well founded and strong perception by agents and applicants that the TRA review process is useless because of the reluctance to overturn decisions of work colleagues and a culture of refusal and country bias by assessors and senior TRA officers.

My recommendation

Reviews (if retained) should be conducted by a panel that includes experienced specialist assessors independent of TRA's structure that report directly to the secretary of the department and are located away from the TRA organisation. The panel should be given the power to overturn a TRA decision and tasked to examine in detail decisions and conclusions made by a skills assessor. This way there is openness, accountability and equity in the application process in line with current government policy and public service principles.

Point 2 – Insufficient information provided to the applicant by TRA when an application is not accepted.

My comments

When an application is not accepted by TRA the Application Assessment and Audit Sheet being the current documentation provided does not give sufficient information on the reasons for the TRA's refusal. Because of this it is not possible for agents to provide informed advice to the applicant and for the applicant to make an informed decision on the way ahead.

My Recommendation

To enable agents and applicants to make an informed decision on the way ahead it is imperative that information be provided on each of the specific items of evidence submitted by the applicant advising:

- What specific items of evidence submitted by the client that the assessor considered.
- What specific items of evidence submitted by the client were not allowed by the assessor.
- How each specific item of evidence not allowed in the assessment by the assessor was inadequate against TRA's evidentiary requirements.

In providing full information to the applicant TRA is demonstrating openness on its decision making and will allow an informed decision to be made with the potential to reduce the amount of frivolous 2nd applications and reviews.

Point 3 – TRA accountability under the Administrative Decisions (Judicial Review) Act 1977 (the ADJR Act)

Currently decisions undertaken by TRA officers with respect to Migration Skills Applications are not covered by the ADJR act.

My recommendation

All decisions taken by TRA officers in consideration of Migration Skills Applications should be subject to the ADJR act. Applicants pay \$300.00 or \$500.00 for the privilege of having their applications assessed and as a consequence should be entitled to a satisfactory statement of reasons should their application be rejected.

Point 4 – Low point value for selected Associate Professional occupations assessed by TRA

My comments

Currently the following occupations have a 40 point for skill rating:

Computing Support Technician – 3294-11

Electrical Engineering Technician – 3123-13

Electronic Engineering Technician – 3124-13

Mechanical Engineering Technician – 3125-13

These occupations are skilled occupations that mostly involve two or three years of technical college education post year 12. These occupations are knowledge and skills intensive that invariably cannot be obtained through the traditional apprentice training schemes – especially in the electrical, electronic and computing streams. In rating them as 40 point occupations we are missing out on a pool of highly educated and skilled technicians because of the inability of the applicant to successfully migrate with a low point occupation. Countries such as Singapore, Malaysia and

India have an extensive well defined technician training structure and industry thrives with the graduates of these schemes. We are short changing our industry by not having a supply of overseas technicians especially in the electrical, electronic and computing areas.

My recommendation

Change the point for skill rating to 60 points for the following occupations:

Computing Support Technician – 3294-11

Electrical Engineering Technician – 3123-13

Electronic Engineering Technician – 3124-13

Mechanical Engineering Technician – 3125-13