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The Committee Secretary
Joint Standing Committee on Migration
Department of House of Representatives
Parliament House
Canberra ACT 2600
Australia.

RE: Review of Skilled Migration – Issues and Views for Comment and Discussion.

Thankyou for forwarding this information to the Australian Nursing Council (ANC) for comment. The ANC is particularly interested in skilled migration as we are authorized by the Department of Immigration, Multicultural and Indigenous Affairs (DIMIA) to undertake the skills assessment of nurses applying for migration under the General Skilled Migration Visa. The following comments are provided in relation to the questions asked in the discussion paper. The ANC has experience only in the migration of nurses and the comments provided pertain to nurses and migration. Nurses are a regulated profession and overseas nurses must meet the same standards as Australian nurses in order to be eligible for migration and registration.

▪ **DE-SKILLING THE WORKFORCE?**

How well do the current migration arrangements handle the risk that recruiting skilled migrants could reduce opportunities for Australians?

At present there is a shortage of nurses in Australia, it is predicted that this will become worse as the current workforce ages and nurses in the workforce retire. The Commonwealth, state and territory governments and nursing organisations are addressing this issue by promoting nursing as a career, providing scholarships for study in both metropolitan and remote and rural areas, programs for return to work for nurses who have been out of the workforce and by recruiting nurses from overseas.

Nurses who are educated overseas must meet the same standards as nurses educated in Australia in order to gain registration and migration. These standards include English language proficiency and demonstration of the National Competency Standards for Registered Nurses.

The migration arrangements in place at present are satisfactory in relation to nurses.

▪ **RECOGNITION OF QUALIFICATONS**

How well do the present migration arrangements ensure that migrants' skills are accepted?

In relation to nurses the migration arrangements ensure that nurses are at the standard expected in Australia. As mentioned overseas nurses are required to meet standards in both English and Competence. The English language requirement must be met before a nurse is assessed for migration or registration. In some instances overseas nurses are required to come to Australia to complete a migrant bridging program before being eligible for registration and migration. This ensures that any nurse who migrates to Australia under the General Skills program is work ready when they migrate. DIMIA have several temporary visas options available to nurses to enter Australia in order to complete the migrant bridging program.

DIMIA have on their website and available in the printed form Visa Options available to nurses.

▪ **EXPLOITATION OF MIGRANT WORKERS**

How significant is this issue?

How might it be remedied?

It is understood that DIMIA has policies in place to stop this situation, however there have been some anecdotal reports of exploitation of overseas nurses by recruiters in Australia. The problem appears to be the migrants are loath to complain in case they lose their visa. These reports are very few.

Information regarding rights in relation to exploitation would be helpful on the DIMIA website and in pamphlet form.

The ANC has developed a position statement on Ethical Recruitment of Nurses to try to in some measure address such problems. (Please see attached).

▪ **FLEXIBILITY**

Are the existing skilled migration programs sufficiently flexible to respond to changing local and international circumstances?

In relation to nurses the programs have been very flexible. Given the shortage of nurses in Australia, DIMIA has responded by giving nurses priority processing and including them on the Migration Occupation in Demand List.

I hope these comments are helpful.

Yours Sincerely

Jan Fletcher
Overseas Assessment Manager.

POSITION STATEMENT ON ETHICAL RECRUITMENT OF OVERSEAS NURSES

Preamble

The Australian Nursing Council (ANC) is a peak national nursing body established by the Australian nurse regulatory authorities to develop national standards for statutory nurse regulation. Its work contributes to the protection of the community through developing and promoting these standards for nursing practice. The ANC also assesses the qualifications of overseas nurses for migration purposes as authorized by the Minister for Immigration and Multicultural and Indigenous Affairs.

The Australian Nursing Council (ANC) and Australian nurse regulatory authorities receive many enquires regarding the recruitment of large numbers of nurses from other countries. These enquiries are received from migration agents, governments both Australian and overseas, recruitment agencies and employers. The ANC is concerned with the dilemmas, which may arise from unethical recruitment of nurses from overseas. Reports from the International Council of Nurses (ICN) and the Commonwealth Health Ministers indicate that unethical practices occur in relation to charging exorbitant rates for assisting with migration, recruiting staff from underdeveloped countries which are themselves experiencing nursing shortages and providing incorrect information regarding registration and employment opportunities. This position statement has arisen out of concern about such practices and also with a view to promoting ethical recruiting practices of overseas nurses to Australia.

Purpose

The purpose of this position statement is to inform nurse regulatory authorities, the profession and other Australian health sector stakeholders about the ethical principles underpinning the recruitment of overseas nurses.

Position

The Australian Nursing Council recognises the rights of all people to receive nursing care of the highest professional standard and confirms this by:

- Supporting nursing workforce planning that meets the needs of the Australian Community taking into consideration the diversity that exists within different cultural groups.
- Supporting the (ICN) Position statement on Ethical Recruitmentⁱ.
- Supporting the Draft Commonwealth Code of Practice for International Recruitment of Health Workers.ⁱⁱ
- Recognising the rights of individual nurses to migrate and acknowledging the opportunities and benefits such as career development for both individual nurses and the host country when nurses return.
- Condemning unethical recruitment practices that exploit or mislead nurses.

- Supporting recruitment processes based on ethical principles that guide informed decision-making and reinforce sound employment policies on the part of governments, employers and nurses, thus supporting fair and cost-effective recruitment and retention practices.

Key Principles

The key principles outlined by ICN in the position statement Ethical Nurse Recruitmentⁱⁱⁱ and those contained in the Commonwealth Code of Practice for International Recruitment of Health Workers^{iv} are embedded in the ANC role in ethical recruitment.

The key principles include:

- Transparency
- Fairness
- Mutuality of benefits for the countries involved.
- Credible nursing regulation
- Effective human resources planning and development
- Access to full employment
- Good faith contracting
- Equal pay for work of equal value
- Access to grievance procedures
- Safe work environment
- Effective orientation/mentoring/supervision
- Freedom of Movement
- Freedom from discrimination.

Role

The ANC will contribute to the notion of ethical recruitment by:

- 1. Promoting standards for the assessment of overseas qualified nurses for migration purposes**
 - The ANC has been authorised by the Minister of Immigration, Multicultural and Indigenous Affairs to perform the Pre Application Skill Assessment for nurses applying for migration to Australia. The assessment process ensures that overseas nurses are able to meet standards for registration. The assessment process used is transparent, accessible and equitable.
 - The ANC Collaborative Advisory Panel provides advice to the nurse regulatory authorities on processes and standards for the recognition of overseas-qualified nurses to ensure national consistency in the recognition of overseas nurses for registration.
- 2. Participating in regulatory development internationally**

- The ANC contributes to the promotion and development of regional and international regulatory standards through the provision and resourcing of the secretariat for the biennial regional meetings of the Western Pacific and South East Asian (WP/SEAR) nursing and midwifery regulatory authorities.
- The ANC can communicate trends and issues in relation to large-scale recruitment of nurses from the WP/SEA regions.

3. Communicating concerns about unethical recruiters

- ANC can communicate any perceived unethical practices of registered migration agents to the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA).

- ANC can communicate any perceived unethical practices by recruiters and recruitment agencies to nurse regulatory authorities who can inform employers in their jurisdictions.

References

ⁱ International Council of Nurses (ICN). 2002. *Ethical Nurse Recruitment*. ICN Geneva.

ⁱⁱ Commonwealth health Ministers .2002. *Draft code of Practice for International Recruitment of Health Workers*. Department of Health and Aging. Canberra.

ⁱⁱⁱ International Council of Nurses (ICN). 2002. *Ethical Nurse Recruitment*. ICN Geneva

^{iv} Commonwealth health Ministers .2002. *Draft code of Practice for International Recruitment of Health Workers*. Department of Health and Aging. Canberra