

**CONVENTION ON THE RECOGNITION OF QUALIFICATIONS  
CONCERNING HIGHER EDUCATION IN THE EUROPEAN REGION,  
DONE AT LISBON ON 11 APRIL 1997**

**Documents tabled on 12 March 2002:**

- **National Interest Analysis**
- **Text of the proposed treaty action**

# **Convention on the Recognition of Qualifications Concerning Higher Education in the European Region, done at Lisbon on 11 April 1997**

## **NATIONAL INTEREST ANALYSIS**

### **Proposed binding treaty action**

1. The Convention on the Recognition of Qualifications concerning Higher Education in the European Region (“the Lisbon Recognition Convention”) came into force on 1 February 1999. It is now proposed that Australia ratify this Convention.
2. As a party to the UNESCO Convention on the Recognition of Studies, Diplomas and Degrees concerning Higher Education in the Europe Region (1979), (“the UNESCO Recognition Convention”) Australia is eligible to become a party to the Lisbon Recognition Convention by virtue of Article XI, sub-paragraph 1(c).
3. Upon entry into force, Australia will continue to apply the UNESCO Recognition Convention in its relations with other States that are a party to this Convention but not to the Lisbon Recognition Convention.

### **Date of proposed binding treaty action**

4. It is proposed to ratify the Convention as soon as practicable after 25 June 2002.
5. Australia signed the Lisbon Recognition Convention, subject to ratification, on 19 September 2000.
6. The Lisbon Recognition Convention shall enter into force for Australia on the first day of the month following the expiration of the period of one month after the date of expression of its consent to be bound by the Convention (approximately 1 November, 2002).

### **Date of tabling of proposed binding treaty action**

7. The National Interest Analysis and text of the treaty action will be tabled on 12 March 2002.

### **Summary of the purpose of the treaty action and why it is in the national interest**

8. The Lisbon Recognition Convention provides an improved international framework for the assessment and recognition of higher education qualifications. The framework largely reflects existing principles and practices and will further raise the profile of Australia’s expertise in this area, while also signalling its commitment to uphold principles of fair practice and non-discrimination in assessment and recognition procedures.
9. These improved arrangements will help facilitate the recognition of Australian academic qualifications, particularly in Europe (an increasingly important source of students for Australian higher education institutions) and in non-European signatory states (such as the USA and Canada) once they become parties to the Convention. Ratifying the Lisbon Recognition Convention will also suggest to other countries around the world that Australia’s education systems meet the highest global standards.

## **Reasons for Australia to take the proposed treaty action**

10. Currently, there is unprecedented pressure upon governments to adopt policies of convergence and cooperation to ensure that higher education institutions in their countries are accessible to students from other countries. This is particularly so in Europe, a leading region in the provision of higher education and an area to which Australia now looks as an important future source for overseas students.

11. The Lisbon Recognition Convention provides an improved international framework for the assessment and recognition of higher education qualifications. It will enhance arrangements for exchanges of students and provide generally more flexible mechanisms for the recognition of overseas qualifications. It is intended to replace a number of existing conventions regarding the recognition of higher education qualifications, including the UNESCO Recognition Convention which Australia joined in 1986.

12. The improved arrangements will assist students from countries which are parties to the Lisbon Recognition Convention to study in Australia. It thereby provides support for the marketing and internationalisation of Australian education. It will also facilitate the recognition of Australian qualifications in countries which are party to the Lisbon Recognition Convention. Failure to ratify the Lisbon Recognition Convention will signal to other countries that Australia is unwilling or unable to continue to uphold principles of fair practice and non-discrimination in assessment and recognition procedures.

13. Improved recognition arrangements under the Lisbon Recognition Convention can also facilitate the recognition of overseas trained professionals' qualifications in Australia through better access to information networks for the National Office of Overseas Skills Recognition (NOOSR). (NOOSR is part of the Commonwealth Department of Education, Science and Training.) It may also be of some benefit to those seeking the recognition of Australian qualifications for purposes of professional practice in countries which are party to the Lisbon Recognition Convention.

14. Australia's ratification of the Lisbon Recognition Convention would assist it in enhancing arrangements for exchanges of students and developing arrangements which parallel those already existing in Europe for simplified "credit" transfer for academic achievements. Generally, it would also allow more flexible mechanisms for the recognition of overseas qualifications. If Australia does not ratify the Lisbon Recognition Convention, however, there is a real danger that it will be excluded from these developments and left outside the mainstream of leading countries in international higher education.

## **Obligations**

15. The central obligations of the Lisbon Recognition Convention concern greater transparency and fairer processes for the recognition of higher education qualifications. The Lisbon Recognition Convention recognises that, for some Parties, competence to make such decisions lies with other entities (Article II.1). This is the case in Australia, where higher education institutions are the only bodies that have the power to make binding decisions in relation to the recognition of overseas qualifications for the purpose of admission into higher education programs. To a lesser extent, the Lisbon Recognition Convention also applies to the recognition of higher education qualifications for employment or migration purposes. These recognition decisions are made by the employers themselves, and professional assessing bodies. NOOSR will liaise with the relevant authorities to raise awareness of the Lisbon Recognition Convention.

16. The Lisbon Recognition Convention imposes eleven main obligations on the Commonwealth.

- a) To transmit the text of the Lisbon Recognition Convention to higher education institutions and take all possible steps to encourage the favourable consideration and application of its provisions (Article II.1, paragraph 2).
- b) To inform one of the Lisbon Recognition Convention's depositories of the authorities which are competent to make decisions in recognition cases (Article II.2).
- c) To ensure that the procedures and criteria used in the assessment and recognition of qualifications are transparent, coherent and reliable (Article III.2).
- d) To encourage all education institutions to comply with any reasonable request for information for the purpose of assessing qualifications earned at said institutions (Article III.3.4).
- e) To ensure that adequate and clear information on its education system is provided (Article III.4).
- f) Under Article VIII.2, to provide:
  - i. an overview of the different types of higher education institutions belonging to its higher education system, with the typical characteristics of each type of institution;
  - ii. a list of recognised institutions (public and private) belonging to its higher education system, indicating their powers to award different types of qualifications and the requirements for gaining access to each type of institution and program;
  - iii. a description of higher education programs; and
  - iv. a list of education institutions located outside its territory which the Party considers as belonging to its education system.
- g) Under Article VI:
  - i. to encourage higher education institutions to recognise the higher education qualifications conferred in another Party, unless a substantial difference can be shown between the qualification conferred and the corresponding qualification in Australia (Article VI.1); or
  - ii. to ensure that the holder of a higher education qualification issued in one of the other Parties can obtain an assessment of that qualification upon request by the holder (Article VI.2).
- h) To maintain a national information centre:
  - i. to facilitate access to authoritative and accurate information on the Australian higher education system and qualifications;
  - ii. to facilitate access to information on the higher education systems and the qualifications of other parties; and
  - iii. to give advice or information on recognition matters and the assessment of qualifications (Article IX.2).
- i) To promote, through the national information centre or otherwise, the use of the UNESCO/Council of Europe Diploma Supplement (or any other comparable document) by the higher education institutions of the Parties (Article IX.3). This

Supplement is a document issued by institutions *in addition* to the usual qualification documents. (It provides information about the qualification in a standard format, including whether the study was full or part-time, the required length of study for the program, and the program requirements, including any thesis or practical component.) While it is highly likely that some higher education institutions will choose to adopt the Diploma Supplement, there is no obligation for them to do so.

- j) To nominate an officer as a member of the European Network of Information Centres (ENIC) Network and to cooperate, through the ENIC Network, with the national information centres of other parties, especially by enabling them to collect all information of use to the national information centres in their activities relating to academic recognition and mobility (Article X.3). (ENIC was established by the Council of Europe and UNESCO to implement the Lisbon Recognition Convention and, in general, to develop policy and practice for the recognition of qualifications.)
- k) To continue to apply the UNESCO Recognition Convention in relation to parties to that Convention which are not parties to the Lisbon Recognition Convention.

17. The Convention's obligations will bind only the Commonwealth and not the States or Territories, nor Australia's higher education institutions. The AVCC has advised that Australian university practices meet the Lisbon Recognition Convention obligations for access to adequate processes for recognition of qualifications for educational purposes.

18. Further to Article II.2, Australia will make the following federal statement at the time of ratification:

#### *Ratification Statement*

Australia has a federal constitutional system in which legislative, executive and judicial powers are shared or distributed between its central, state and territory authorities.

The implementation of the treaty throughout Australia will be effected by the Commonwealth, State and Territory governments having regard to their respective constitutional powers and arrangements concerning their exercise.

In addition, at present in Australia each higher education institution not only has the responsibility for determining, but also the competence to recognise, what qualifications it will accept for admission to various levels of study. The National Office of Overseas Skills Recognition (NOOSR) is part of the Commonwealth Department of Education, Science and Training, and is competent to make recommendations on the recognition of post-secondary qualifications giving access to higher education, but only higher education institutions have the authority to act on such recommendations. Registration boards and professional associations have responsibility and competence for determining the recognition to be given to qualifications, whether obtained in Australia or overseas, for the purpose of registration to practise a profession in Australia, or membership of a professional body. The Commonwealth authorities will transmit the text of the Convention to educational institutions, in accordance with Article II.1 of the Convention, and also to the relevant boards and associations.

19. As of 1 February 2002, the following States have ratified the Lisbon Recognition Convention: Austria; Azerbaijan; Belarus; Bulgaria; Cyprus; Czech Republic; Estonia; France; Georgia; Holy See; Hungary; Iceland; Kazakhstan; Latvia; Liechtenstein; Lithuania; Luxembourg; Moldova; Norway; Portugal; Romania; Russia; Slovakia; Slovenia; Sweden; Switzerland; and Ukraine. As of 1 February 2002, the following States have signed the Lisbon Recognition Convention subject to ratification: Albania; Armenia; Australia; Canada; Croatia; Denmark; Finland; Germany; Israel; Italy; Malta; Poland; the Former Yugoslav Republic of Macedonia; the United Kingdom; and the United States of America.

## **Implementation**

20. No legislative action is required by the Commonwealth or the States and Territories to give effect to the Lisbon Recognition Convention's provisions. The Lisbon Recognition Convention's obligations can be carried out through administrative action of higher education institutions. The AVCC advises that current Australian university practices meet the Lisbon Recognition Convention obligations for access to adequate process for recognition of qualifications.

21. Overall implementation of the Lisbon Recognition Convention is overseen by the Committee of the Convention on the Recognition of Qualifications concerning Higher Education in the European Region (the Committee), in conjunction with the ENIC Network. (All parties to the Lisbon Recognition Convention have a representative on the Committee.)

22. For Australia, NOOSR will carry out the obligations listed above in sub-paragraphs 16 a) to k). However, the obligation described in sub-paragraph 16 i). (promotion of the UNESCO/Council of Europe Diploma Supplement) will be carried out by NOOSR in conjunction with the AVCC. While NOOSR will encourage adherence to the obligation described in paragraph 16 g) i., it will be carried out, in almost all cases, by higher education institutions recognising the relevant qualifications. In those rare cases where these institutions encounter difficulty in carrying out this obligation, NOOSR would take all possible steps to provide advice to the institution in making an assessment.

## **Costs**

23. The costs to the Commonwealth of meeting these obligations can be met within existing resources. As NOOSR already carries out most of the obligations of the Convention, it will not require any extra funding. There may be costs to the higher education institutions that choose to provide the Diploma Supplement. As mentioned above the provision of the Diploma Supplement by higher education institutions is not an obligation.

## **Consultation**

24. NOOSR consulted with the States and Territories and the AVCC to inform its initial participation in the discussions leading to the adoption of the Lisbon Recognition Convention in 1997.

25. Since the Convention's adoption NOOSR has again consulted with Australia's higher education sector, through the AVCC. The AVCC supported Australia's signature to, and ratification of, the Convention, and stated its belief that the current practices of Australian universities were fully consistent with the obligations of the Convention.

26. NOOSR has also twice consulted the States and Territories, seeking their agreement to Australia first signing and then ratifying the Convention. The first consultation with the States and Territories (i) sought relevant agencies' views on implications for State legislation and practice in the context of Commonwealth's proposal to sign the Convention subject to ratification and (ii) foreshadowed a further round of consultation with relevant Ministers prior to ratification. None of the States or Territories identified a need to amend legislation or practice. The second round of consultation sought (i) their support for Australia's ratification of the Convention and (ii) confirmation of earlier advice that there were no legislative or practical impediments to its implementation. All States and Territories have confirmed

support for Australia's ratification of the Convention. None identified any legislative or practical impediments to its implementation.

### **Regulation Impact Statement**

27. The Office of Regulation Review, Productivity Commission has been consulted and confirms that a Regulation Impact Statement is not required.

### **Future treaty action: amendments, protocols, annexes, or other legally binding instruments**

28. Article X.1 notes that implementation of the Lisbon Recognition Convention will be overseen by the Committee of the Convention on the Recognition of Qualifications concerning Higher Education in the European Region (the Committee), in conjunction with the ENIC Network. A representative of each party to the Convention serves on the Committee, which may adopt, by a majority of the parties to the Convention, recommendations, declarations, protocols and models of good practice to guide the competent authorities of the parties in their implementation of the Convention. While parties are not bound by such recommendations or declarations, they are required to use their best endeavours to apply them and encourage their application (Article X.2.5).

29. Draft amendments to the Convention may be adopted by the Committee by a two-thirds majority of the parties (Article XI.8). Any draft amendment so adopted will be incorporated into a Protocol to the Convention. The Protocol will specify the modalities for its entry into force which, in any event, will require the expression of consent by the parties to be bound by it.

### **Withdrawal or denunciation**

30. Article XI.6 states that any party may, at any time, denounce the Lisbon Recognition Convention by means of a notification addressed to one of the depositaries. Such denunciation will become effective on the first day of the month following the expiration of a period of 12 months after the date of receipt of the notification by the depositary. The denunciation will not affect recognition decisions taken previously under the provisions of the Convention.

### **Contact details**

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