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Questions for the Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education, relating to the Joint Standing Committee on Treaties consideration of the proposed *Asia-Pacific Regional Convention on the Recognition of Qualifications in Higher Education* (from the hearing on Monday, 17 June 2013).

1. How many countries have become a Party to the proposed Convention so far? Based on the Department's insight, which countries are likely to sign the Convention?

No countries have yet become a Party to the Convention. Nine Member States of the UNESCO Asia-Pacific region signed the Convention at the UNESCO International Conference of States at which the Convention text was endorsed in Tokyo in November 2011, but none have yet ratified. These Member States were:

- Armenia
- Bangladesh
- Cambodia
- China
- Lao PDR
- Republic of Korea
- Timor Leste
- Turkey
- Holy See.

These Member States are amongst the most likely to become Parties to the Convention in the relatively near future. Forty Member States participated in the ICS, and many of these are likely to become Party to the Convention in time.

2. Australia is currently a party to other regional recognition conventions that fall under the framework of UNESCO, such as with Europe.

- a. **Do UNESCO's other regional recognition conventions contain a similar framework to the proposed Convention?**
- b. **Based on membership within other regional recognition conventions, have any significant issues arisen in the recognition of qualifications amongst parties?**

a. The 1997 *Convention on the Recognition of Qualifications Concerning Higher Education in the European Region* (Lisbon Convention), to which Australia became a Party in 2003, is the only other regional recognition convention that contains a similar framework to the proposed Convention.

b. Given the increasing complexity of mobility flows and differences in higher education around the world, recognition issues arise routinely. Australia's experience as a party to the Lisbon Convention has shown that the Convention provides a common framework for countries to resolve recognition issues rather than being a catalyst for such issues. Regional recognition conventions do not prescribe which qualifications can be recognised, instead they provide principles which support transparent, equitable and timely recognition policies and processes.

3. Australia is obliged to transmit the text of the proposed Convention to higher education institutions and other relevant non-government entities, taking all the necessary steps to encourage its favourable consideration and application.

- a. **How is the Department planning to ensure that the proposed Convention is considered and applied by Australia's higher education institutions?**
- b. **Does AEI NOOSR possess any particular oversight mechanisms in this regard?**
- c. **What are the possible ramifications for higher education institutions who do not appropriately implement the proposed Convention?**

a. The Department will report ratification of the Convention, should this occur, to the higher education sector and encourage the favourable consideration and application of its provisions through these peak bodies:

- Universities Australia
- Australian Council for Private Education and Training
- Council of Private Higher Education
- Australian Qualifications Framework Council

As the principles in the proposed Convention are in line with those in the Lisbon Convention, Australia's higher education institutions and other relevant non-government entities already broadly apply the principles. The Australian government, through AEI-NOOSR, provides recognition tools based on principles in the proposed Convention. AEI-NOOSR also provides ongoing support to organisations involved in qualifications recognition to ensure that their recognition policies reflect the principles of the proposed Convention.

b. AEI-NOOSR has no legislated responsibility regarding the consideration and application of the provisions of UNESCO regional recognition conventions by Australia's higher education sector. However, many Australian higher education institutions, including all universities, make use of AEI-NOOSR's recognition tools and support services. These are based on the principles in the proposed Convention and serve as a link between macro-level recognition policy at the multilateral level and micro-level recognition policy at the individual level. AEI-NOOSR's tools and services encourage adoption of recognition policies and processes which are transparent, coherent, reliable, fair and non-discriminatory.

c. Higher education institutions which do not apply the provisions of the proposed Convention risk student numbers and reputational damage by not having admissions processes that consider overseas qualifications in a transparent, coherent, reliable, fair and non-discriminatory manner. At the request of individuals and overseas governments, AEI-NOOSR liaises with Australian higher education institutions to minimise barriers to recognition, especially if institutional policies are not in line with the principles in the proposed Convention.

4. In Australia, individuals with specialised qualifications attained overseas, such as medicine, are subjected to complex and potentially expensive processes by industry bodies as a means of ensuring their skills meet an Australian standard.

- a. To what extent does the proposed Convention assist individuals with specialised qualifications attained from one of the participating Parties in having their qualifications recognised?**
- b. How can the Department ensure that private industry bodies, that assess qualifications according to an Australian standard, recognise and implement the provisions of the proposed Convention?**

a. Although the Convention relates to student and academic mobility rather than professional mobility, the Department has guidelines that require the professional assessing authorities responsible for general skilled migration to have recognition processes that are transparent, accessible and equitable, as per the principles in the proposed Convention. Assessing authorities which are part of the Australian government or state and territory governments would be bound by the provisions of the Convention. Assessing authorities which are independent of government would be encouraged to adopt the provisions of the Convention in the same manner as described above for higher education institutions and other relevant non-government entities.

b. The Department advises the Minister for Education in the legislative role of approving the professional assessing authorities responsible for general skilled migration under reg. 2.26B of the *Migration Regulations 1994*. Many of these assessing authorities accredit courses for registration, licensing or professional recognition purposes. The Department supports these assessing authorities in meeting the principles established in the approval guidelines in order to recommend them to the Minister for approval. These principles are consistent with the proposed Convention. While the Department has no legislated responsibility to monitor assessing authorities, it is exploring the possibility of having current assessing authorities re-approved under revised and strengthened guidelines. Industry bodies other than assessing authorities can be encouraged to operate in accordance with the principles of the proposed Convention in the same manner as described above for higher education institutions and other relevant non-government entities.

5. Article VII says that Australia should develop procedures for the recognition of qualifications, and prior learning, of refugees and displaced persons, even in cases in which the qualifications obtained in one of the Parties of the proposed Convention cannot be proven through documentary evidence.

- a. Does this type of qualification assessment for refugees and displaced persons without valid documentary evidence currently exist in Australia?**
- b. Under the proposed Convention, by what means could qualifications without documentary evidence be verified?**
- c. To what extent would it be the responsibility of Australia's industry assessing authorities to develop procedures that recognise an individual's qualifications without documentary evidence?**

a. There are existing processes for the recognition of qualifications for refugees and displaced persons, even if valid documentary evidence is not available. Valid documentary evidence is considered to be an original qualification certificate and

supporting transcripts. The process and availability of this service varies depending on the purpose of recognition and the organisation undertaking the assessment.

- b. Qualifications without documentary evidence can be assessed through the following pathways:
 - i. Recognition of Prior Learning by Australian education institutions, often based on examinations, placement tests or competency-based skills assessments by Registered Training Organisations.
 - ii. Competency-based skills assessments by assessing authorities.
 - iii. Qualification assessment by the Australian government or state and territory governments. Alternative evidence accepted in lieu of qualification documents can include enrolment information provided by the overseas higher education institution and/or overseas authority, assignments and/or exam results, work experience or any other documents that support an applicant's claims. It is not possible to issue a qualification assessment based on verbal claims alone, but evidence need not only be limited to final qualification documents.
- c. Assessing authorities which are part of the Australian government or state and territory governments would be bound by the provisions of the Convention. As most assessing authorities are non-government organisations, they would be encouraged to adopt the provisions of the Convention.

6. Article IX establishes the Committee of the Asia-Pacific Regional Convention on the Recognition of Qualifications in Higher Education to oversee and promote the implementation of the Convention.

- a. **Could you explain how this Committee functions?**
- b. **What are the Committee's powers in terms of compelling Parties to adopt provisions of the proposed Convention?**
- c. **How much does this cost?**

a. All Parties to the Convention will be members of the Committee. The Committee may adopt, by majority vote, recommendations, declarations, protocols and models of good practice to guide Parties' competent recognition authorities in their implementation of the Convention and their consideration of applications for recognition of qualifications in higher education. The Department expects that the Committee will meet at least every two years to provide a forum for Parties and prospective Parties to provide updates on their progress towards implementation of the Convention, engage in information-sharing on qualifications recognition issues and adopt recommendations as described above. Member States generally nominate to host the event, which is co-organised by the host country and UNESCO's Bangkok Bureau. Office bearers (Chair, two Vice-Chairs and Rapporteur) are elected by Committee members and hold office until the next Committee meeting.

b. The Committee has no power to compel Parties to adopt the provisions of the proposed Convention. Parties commit to encourage the application of decisions adopted by the Committee, bring them to the attention of competent recognition authorities and encourage their application.

c. The cost of Committee meetings is largely borne by UNESCO Bangkok, with contributions from the host country. Other attendees may choose to contribute towards the event costs. The direct cost of Australia's participation in the Committee is relatively low, comprising travel and accommodation costs.

7. The NIA notes that Australia's higher education programs should recognise qualifications issued by other Parties to the Convention, unless a 'substantial difference' can be shown between the general requirements for an Australian program and the overseas qualifications obtained.

a. What is considered to be a 'substantial difference'?

b. For qualifications deemed not to meet the general requirements of a higher education program, are there avenues available for individuals to challenge such decisions?

a. Substantial difference is a technical term used by qualifications recognition practitioners. It reflects the principle that differences between qualifications should not be a barrier to recognition and mobility unless those differences affect the suitability of the qualification for the purpose of recognition. There is no definitive list of what can or cannot be considered a substantial difference, as it depends on what overseas qualification is being recognised, for what purpose and by whom. However, in Australia, substantial differences are usually based on quality and/or program content. For example, an overseas Bachelor of Nursing may not be recognised for admission to an Australian Master of Engineering, on the basis of substantial difference in program content affecting the suitability of the overseas qualification for admission to that particular program in Australia.

b. Individuals deemed to not meet the general requirements of a higher education program at an Australian higher education institution are usually offered alternative entry pathways which may include foundation or English language programs before commencing the chosen higher education program. Individuals that do not agree with an admission decision can apply for a review or appeal process as per the admission policies of the institution concerned. However, recognition of an overseas qualification is only one consideration in the broader admission decision. Other factors considered include English language proficiency, level of academic achievement, research experience and work experience.