

10 August 2005

The Committee Secretary
Joint Standing Committee on Migration
Parliament House
CANBERRA ACT 2600

By email: jscm@aph.gov.au

Re: Submission to the Joint Standing Committee on Migration regarding the Inquiry into Overseas Skills Recognition, Upgrading and Licensing.

Dear Madam,

Thank you for your email dated 27 July 2005, inviting us to submit our position regarding Overseas Skills Recognition, Upgrading and Licensing.

In response to the review of Australia's current system of assessing the skills of people wishing to migrate to Australia under the skilled migration program, we would like to make the following comments on the issues raised in the terms of reference:

1. Current arrangements for overseas skills recognition and associated issues of licensing and registration for

a) Skills stream migrants who obtain assessment prior to migrating

i. Recognition of Qualifications of Skilled Professionals

Occupations under this classification include management consultants, marketing specialists, child care coordinators, accountants, IT professionals, and engineers.

Current Situation:

The skills assessing authority is determined by DIMIA: VETASSESS for most non health general professionals; Institute of Chartered Accountants of Australia and CPA Australia for accountants; Australian Computer Society for IT professionals; Institution of Engineers for engineers; The National Office of Overseas Skills Recognition (NOOSR) for teachers etc.

Skills assessment authorities for accountants, teachers, computer professionals, engineers, social workers, and many other professions, rely on the 1995 edition of 'The Philippines Country Educational Profile' in order to determine the comparable Australian equivalent of an applicant's educational qualification. The National Office of Overseas Skills Recognition (NOOSR), a division of the Commonwealth Department of Employment Education and Workplace Relations, is the body which was commissioned to prepare and update the 'The Philippines Country Education Profile' (CEP). The CEP was published by the Australian Government Publishing Service.

Issues:

1. The reliance on the 1995 edition of 'The Philippines Country Educational Profile' by Skills assessing authorities such as VETASSESS, NOOSR, Australian Computer Society, Australian Association of Social Workers, CPA Australia, Institute of Chartered Accountants of Australia, and the Institution of Engineers has disadvantaged many applications for skills assessment because of *automatic failure of applicants* whose tertiary educational institutions or universities are not listed in the 1995 edition, where these educational institutions were not given the opportunity to be assessed or were not existent in 1995.

Applicants whose educational institutions are not listed in the CEP are often not qualified for skilled migration since they do not get a chance to pass the skills assessment. The highest number of points they can get for their qualifications is 40 (equivalent to a diploma) which often means that they would be unable to meet the pass mark in the points test.

For example, in the entire province of Ilocos Sur, no educational institution is listed. This means that a student of the University of Northern Philippines, a state university, who tops the PRC Board exam for any of the above profession say as accountant or teacher cannot pass the skills assessment because a Bachelors Degree obtained in that University is comparable only to an Australian Diploma (i.e. a two year course).

Engineering graduates from the Technology Institute of the Philippines (TIP) are not recognized by the TRA as their curriculum is more geared towards engineering rather than to a trade occupation. This educational institution in Manila is not listed, but has about 30,000 technical and engineering students.

St Paul College is a private Catholic Institution that has branches all over the Philippines, however some branches are under Sec II, III and IV and *not all branches are listed* in the CEP. Although it is assumed that education standards should be uniform, the skills authority does not give

graduates the same results for skills assessment if they graduated from a part of the country where their particular campus was not listed.

2. In November 2003, a resolution was passed by FILCCA to have the CEP updated. We were informed that Ambassador Willy Gaa of the Philippines took the matter up with the Australian Prime Minister, resulting in an agreement that the CEP would be updated in 2005. No information has been made available regarding its progress to date.

Recommendations:

1. To be fair to all applicants, educational institutions not listed in the 1995 edition of 'The Philippines Country Educational Profile' should be evaluated, classified, assessed and listed.
2. The CEP should be updated as planned. Registered Migration Agents who are originally from the Philippines and Filipino community associations should be informed of how and when the CEP is being updated so that major educational institutes do not miss out.
3. Invitations for assessment, including information which sets out the process of listing, should be sent to unlisted educational institutions in the Philippines, in order to be fair to all.
4. In the meantime, an alternative process of skills assessment and recognition other than the sole use of the CEP should be canvassed so that those affected will not be prejudiced whilst the CEP is being updated, which could take an unspecified amount of time, even 1-5 years (see recommendation under **Alternative approaches to skills assessment and recognition of overseas qualifications** below).

ii. Trades Recognition

Current situation:

All skills assessments for this category are carried out by Trades Recognition Australia (TRA) - the DIMIA authorised assessing authority. An unsuccessful applicant receives written advice from TRA, which includes a copy of the assessment sheet and a reader's guide, both of which are confusing and contain very little useful information. The assessment report consists of a tick in a box and up to six (6) lines of hand written comments that usually follows the text in the reader's guide quite closely, and necessitates clarification from TRA before either an appeal or a fresh application can be made. The uniform assessment criteria is attached at Annexure '1'.

Issues:

1. Conflicting definitions of trade occupations between TRA and DIMIA.

TRA does not follow the ASCO (Australian Standard Classification of Occupations) definitions used by DIMIA. TRA apparently has its own criteria, the exact details of which are not published. Thus, an application which addresses all the ASCO criteria for a trade but which doesn't include the unpublished requirements of TRA is likely to fail. On the other hand, even if TRA provides a successful skill assessment, DIMIA may refuse the visa application because the certificate of employment falls short of the ASCO definitions.

2. Evidence required by TRA is not clear as to details.

TRA has recently published Uniform Assessment Criteria on its website. However, it is still difficult for an applicant to prepare an assessment application that will meet TRA's requirements on the basis of that information, as while there is general criteria published, there are no detailed guidelines as to what evidence the applicant must submit to satisfy the required training pathway in order to obtain recognition in his/her particular trade.

3. Change of circumstances allowing evidence to be obtained:

Previously, an applicant would have only needed to prove that they have had 6 years work experience in their trade. Now, an applicant needs to demonstrate 6 years work experience including a verifiable 'skill level transition process' under the supervision and direction of a fully qualified tradesperson. This is often difficult to prove, as:

- In many occupations overseas there are no set formal training procedures for recognition. For example, in a home industry, in-house training would be hard to prove;
- It is often difficult for applicants to acquire a certificate of training/employment from their former employers where they have worked for a small business that has folded up;
- If an applicant was a sole proprietor, there are difficulties for them in obtaining proof of having done work for clients.
- Proving supervision of a fully qualified tradesperson would seem to entail a separate skills assessment of the supervisor.

4. TRA requires applicants to describe the duties /responsibilities of their trade in their own words. Because it is difficult to determine exactly what TRA is looking for when there are no sufficient published guidelines to follow, this creates a major problem for applicants, especially where English is not their first language and they can more easily express themselves in their own language. Applicants in such a position may need to go through the expensive process of having their statements translated and notarised.
5. The assessment report is inadequate in stating the reasons why an assessment application was unsuccessful. It is very difficult to determine, without further consultation with TRA, whether to seek review or prepare a fresh application with additional documentation (See Annexure '2').

Recommendations:

We recommend that:

2. TRA publish their own definitions of what work experience in 'Skill Pathway D' is involved in *specific* occupations.
3. TRA publish a checklist of skills, duties and the range of work under 'Skill Pathway D' that is required to obtain recognition for *each* trade occupation in order to make it easier for migration agents or applicants to determine if applicants have the relevant skills.
4. Reasons for refusal in a Skills assessment decision should be more specific. The application assessment report must provide more specific details of deficiencies in 'plain English' instead of the existing generic tick list as in Annexure '2'.

b) Families of skilled stream migrants, family stream migrants and humanitarian entrants who seek assessment/registration/upgrading after arrival

Current situation:

The general rule is that migrants cannot go on social security benefits during their first 2 years of independent or family skilled migration, although they are entitled to Medicare.

If the migrant has been sponsored and a member of their family unit obtains a Social Security benefit, the cost of the benefit can be recouped from their assurer.

Issues:

1. A partner of a skilled migrant may be interested and willing to work but because of the difficulty obtaining recognition of his/her qualifications, he/she is unable to find suitable work.
2. Very often employers require 'local work experience' but no employer is available to provide that first 'local work experience'.
3. Many migrants have no information about charitable organisations such as The Smith Family, or St Vincent De Paul's
4. Many migrants have no information on how to get settled in Australia, such as information packages about the public transport system, directory assistance numbers or the use of concession cards.

Recommendations:

1. Agencies such as Centrelink should advise partners of skilled migrants on any training options which may enable them to qualify for any registration they require to be able to work in their profession in Australia.
2. Employers should be given incentives to employ or provide first jobs for new migrants.
3. Migrants should be given information about charitable organizations such as The Smith Family, or St Vincent de Paul's regarding assistance in furnishings etc.
4. Organizations which are being given grants (e.g. PACSI) should be obliged to provide information on how to get settled in Australia, such as information packages about the public transport system, directory assistance numbers and the use of student concession cards.

c) Temporary residents who need skills assessment/recognition

Current situation:

Occupations in demand include Nurses, Medical Practitioners, Physiotherapists, Dentists, Veterinarians, Pharmacists and other health professionals.

Overseas registered Nurses, Veterinarians, Physiotherapists and Dentists have to undergo a long and costly process in order to obtain their overseas qualifications recognition which would enable them to apply for temporary working visas.

Temporary working visas for Pharmacist Assistants, Dental Assistants, Physiotherapy Assistants etc. are not available as these occupations are not in the list of occupations eligible for working visas.

In NSW, where assessment for registered Nurses seeking qualifications recognition appears to be the cheapest, a minimum of \$4600 for the 8-12 week assessment program is required to cover the tuition fee plus cost of living and travel expenses.

Issues:

We will discuss the case of registered Nurses in particular because of the long standing demand which has not been alleviated in the last five years.

1. Philippine educated nurses who have obtained work experience overseas in countries like the UK, USA, Ireland, Canada, Hong Kong, Singapore, Saudi Arabia, or Libya, alongside Australian and US qualified Nurses, are still required to complete the overseas nurses assessment program.
2. In NSW, the intake at the College of Nursing for programs for assessment of Nurses with overseas qualifications is limited to 100-150 people per year. This is very minimal in relation to the reported demand of 5000 registered Nurses in NSW
3. Nurses who have completed their Bachelor in Nursing Degree conducted in the Philippines are not always eligible for assessment as a registered Nurse in New South Wales due to a change of the policy of the NSW Nurses Registration and Midwifery Board on 6 December 2001. Their qualifications are sometimes recommended for assessment only as an *enrolled* Nurse rather than as *registered* Nurse.
4. There is no independent, accessible and cost effective appeal system of skills recognition (Ombudsman type)
5. Those who are tasked with ensuring the proper implementation of registration policies are often members of a union (e.g. New South Wales Nurses Registration and Midwifery Board and New South Wales College of Nursing policies), who have the interest of their own union to protect.

Recommendations:

1. Temporary working visas

A remedial measure to fill in occupations in demand would be to grant temporary working visas to assistants in those professions (e.g. Pharmacist Assistants, Dental Assistants, and Physiotherapy Assistants etc) during which they should be allowed to undergo training and assessment while working towards their qualifications assessment and recognition.

2. Equal Opportunity Policy

An equal opportunity policy should be adopted in regard to Filipino Nurses who are *also* registered Nurses in the UK, USA, Ireland, Canada, Hong Kong, Singapore and other countries so that these registered Nurses are automatically exempted from the mandatory assessment, by granting *similar exemptions even if they were educated in the Philippines.*

3. 'The Philippines Country Education Profile' (CEP)

The guidelines in 'The Philippines Country Education Profile' (CEP) stating that the level of education of certain Philippine educated Nurses who graduated from educational institutions classified as Section I and under certain circumstances, Section II is *comparable to Australian degree qualifications* (at pages 31 and 33) and that they are therefore *exempted* from the mandatory NSW College of Nursing assessment, should be followed.

4. Recognition of registered Nurses' qualifications

The New South Wales Nurses Registration Board should be directed to revert to its policy before 6 December 2001, that is, that Nurses who completed their Bachelors in Nursing Degree conducted at any educational institution in the Philippines are eligible for assessment as registered Nurses in New South Wales.

Given that they have all passed the national PRC Board Examinations, Nurses who have graduated from Section III or IV educational institutions should be recommended to undergo assessment as registered Nurses, not as enrolled Nurses.

5. Credit for clinical assessment

Those who have certain hospital work experience gained overseas, e.g. at least five years hospital work experience in the Philippines or at least three years experience overseas (that is, other than experience in the Philippines, Saudi Arabia, Libya and other non-Commonwealth countries) should be

recognised and given credit by being granted exemption from clinical assessment.

6. Increase the intake for the overseas qualification program at the NSW College of Nursing

In NSW, the intake for programs for assessment of Nurses with overseas qualifications should be at least 250 per year given that there is a reported demand of 5000 registered Nurses in NSW (which is on the increase) since this is the only recognised program other than the minimum one year university courses costing around \$16,000 in tuition fees plus cost of living expenses.

7. Pre- Registration Review

A Review Program to provide preparation for the Qualifying Exams or Theoretical Assessment should be conducted overseas. A self-study education package at a fee should also be made available.

8. Conduct of Qualifying Examinations and Clinical Orientation overseas

Where possible, two-hour objective theoretical assessments and perhaps also simulated clinical assessments should be conducted at the Australian Embassy in Manila (overseas post), to minimise the expenses and risk involved for applicants in undertaking qualification assessment programs in Australia, and to encourage the best Nurses to apply to work in Australia instead of the UK or USA which offer higher pay and higher foreign exchange rates.

9. Paid hands on training in Australia at enrolled Nurses' salary rates

The concept of the adaptation period in the United Kingdom should be followed, after which the applicant should be recommended for registration.

10. Independent, accessible and cost effective appeal system of skills recognition

An independent, accessible and cost effective appeal system should be established (Ombudsman type) to ensure the proper implementation of New South Wales Nurses Registration and Midwifery Board, and New South Wales College of Nursing policies.

11. Scholarships

In order to meet the demand for Nurses, there should be scholarships as well as other incentives given, for example, to the top 5% of the class or top 10% of those who have passed the Board exams conducted by the Philippine Professional Regulations Commission. While most of those with two years experience are expected to be working overseas by this time, this incentive would attract the best Nurses working in countries such as Saudi Arabia, Libya and Singapore, as it would help alleviate the high cost and risk involved in undertaking qualification assessment programs in Australia, and would ensure that the Nurses who have the best skills would be able to immigrate.

d) Australian Citizens returning after significant time overseas, with overseas qualifications

Issues:

1. Australians in this position have no readily available recruitment agencies to help them, so they may feel misplaced or ignored

Recommendations:

1. Provide recruitment agencies that cater to the needs of Australians in this position
2. Provide databases where employers can assess such employees for free, without the cost of headhunters.

2. Consider how Australia's arrangements compare with those of other major immigration countries

In the United Kingdom, United States and New Zealand, it is much easier for Nurses to have their qualifications recognised. Nurses are paid a salary whilst training, and then they get recognition. This is an incentive for them to go to the UK, US or NZ rather than Australia. Many will stay in the UK or the US due to better salaries and conditions available there as well as better exchange rates.

Issues:

1. Incentives for Nurses and other health professionals in other major immigration countries mean that Australia is less attractive to the most qualified people.

2. Potential employers of Residential Care Officers capable of being trained as Registered Nurses are reluctant to lodge nominations because the minimum salary required by DIMIA is equivalent to the award rate of a registered nurse with four years working experience in NSW, and therefore employing one as a residential care officer at that salary level would be at a loss.

Recommendations:

1. Ensure salaries and conditions for health care workers are competitive with other immigration countries;
 2. Bring the minimum salary level required by DIMIA for nomination of Residential Care Officers in line with local awards
- 3. Identify areas where Australia's procedures can be improved including in terms of**
- a) Communication of processes to users.**

There is often no communication regarding the processing of applications for a considerable length of time. Skilled permanent resident visa processing by DIMIA takes an average of 12 months, whereas occupations on the MODL take approximately 6 months.

Issues:

1. There is hardly an acknowledgement or progress report in the interim.
2. There is no uniformity in the length of time it takes DIMIA to process applications. If there are two similar applications lodged at the same time, one could take 3 months, whilst the other could take a year.

Recommendations:

1. DIMIA processing centre should, within 7 days, acknowledge receipt of an application, provide the file reference and name of the assessing case officer.
2. Processing of applications by DIMIA should be more transparent.
3. Standard letters should at least be sent to registered migration agents advising of the progress or status of applications every 3 months.

b) Alternative approaches to skills assessment and recognition of overseas qualifications

The Philippine Professional Regulatory Commission (PRC) administers, implements, and enforces the regulatory policies of the national government, including the maintenance of professional and occupational standards and ethics, and the enforcement of the rules and regulations relative thereto. It was created under Presidential Decree No. 223 on 22 June 1973. Subject to its jurisdiction it is responsible for the regulation and licensing of 42 professions through corresponding Professional Regulatory Boards. These professions are the following:

- * Accountancy
- * Aeronautical Engineering
- * Agricultural Engineering
- * Agriculture
- * Architecture
- * Chemical Engineering
- * Chemistry
- * Civil Engineering
- * Criminology
- * Customs Brokers
- * Dentistry
- * Electrical Engineering
- * Electronics and Communications Engineering
- * Environmental Planning
- * Fishery Technology
- * Foresters
- * Geodetic Engineering
- * Geology
- * Guidance Counseling
- * Interior Design
- * Landscape Architecture
- * Librarians
- * Marine Deck Officers
- * Marine Engineer Officers
- * Master Plumbers
- * Mechanical Engineering
- * Medical Technology
- * Medicine
- * Metallurgical Engineering
- * Midwifery
- * Mining Engineering
- * Naval Architecture and Marine Engineering
- * Nursing
- * Nutrition and Dietetics

- * Optometry
- * Pharmacy
- * Physical Therapy and Occupational Therapy
- * Professional Teachers
- * Radiologic and X-Ray Technology
- * Sanitary Engineering
- * Social Workers
- * Sugar Technology
- * Veterinary Medicine

The PRC monitors performance of schools in licensure examinations.

Upgrade of the PRC:

At the time the current 1995 edition of The Philippines Country Profile was published, then President Fidel Ramos issued Executive Order No. 266 institutionalising the Continuing Professional Education (CPE) programs of the various Professional Regulatory Boards (PRB’s) under the supervision of the PRC. It has made mandatory CPE programs for the renewal of professional license.

The regulation was enacted not only to upgrade or improve the technical knowledge and skills of our professionals but also to keep them abreast with modern trends and technology in their respective professions. This would assure the rendition of highly qualitative professional service/s that will be globally competitive under the General Agreement on Trade in Services (GATS) and at the same time securing the safety and protection of the public.

In 1999, PRC was formally awarded the ISO 9002 Certification by the Anglo-Japanese-American Environmental Quality and Safety Certification Services for the licensing and certification of marine deck and engineer officers. In the same year, PRC signed memoranda of agreement with some colleges and universities in Manila to ferret non-qualified examinees with fake documents.

On 17 June 2002, the PRC adopted the ‘Code of Good Governance for the Profession in the Philippines’ and the ‘Good Governance Code of Ethics for Professional Regulatory Boards and PRC Officials and Employees’.

The average passing percentages from 1992-2002 of professions under the PRC’s jurisdiction are attached as Annexure ‘C ‘.

Recommendations:

1. The PRC examination results should be considered as an alternative to qualifications recognition in lieu of the 1995 edition of NOOSR’s The Philippine Country Education Profile (CEP) if it is advantageous to the visa

applicant (e.g. the relevant skills authority should exempt applicants from further assessment of educational qualifications if the applicant is in the top 15% of the PRC board exam, where the educational institution is not listed or in Section III of the CEP)

2. Alternatively, provide the top 5% of those who have passed PRC Board exams with scholarships on a training basis rather than requiring them to complete an overseas assessment program where they would have to pay for their own tuition and accommodations.
3. A shorter bridging course than normal (e.g. Orientation for 8 -12 weeks before assessment) should be made available to those in the top 16%-30% of the PRC board exams

We hope these submissions will be of assistance to you. We would appreciate being informed of the outcome.

Yours faithfully

Prepared by:

IMELDA ARGEL, LLB, LLM.
Solicitor, State of New South Wales.
Migration Agent Registration no. 9682957.
President, Filipino Migrants Forum
Suite 41 Ground Floor
61-89 Buckingham St Surry Hills 2010

Ric de Vera
President
Filipino Communities Council of Australia (FILCCA)
P.O Box 383
Bankstown 2200

Neria Soliman
President
Philippine Community Council of New South Wales
111 Stockholm Ave Hassal Grove 2761