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The Parliament of the Commonwealth of Australia

# Negotiating the maze

**Review of arrangements for overseas skills recognition,  
upgrading and licensing**

Joint Standing Committee on Migration

September 2006  
Canberra

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## Foreword

Skilled migration, the largest component of Australia's migration program, is the subject of much discussion and comment in the Australian community. While there is widespread acceptance of the need to have a program by which the Australian workforce can be supplemented by migrants with particular skills that are in need here, there is community concern that the level of skills of those coming into the country is equivalent to Australian occupational and safety standards and that lower skilled workers are not used to undercut the wages of existing workers.

Assessing the skills of those who wish to migrate to Australia as skilled migrants is therefore a key element of the system – people need to have faith that the system is fair and well-managed. Perceptions of how efficiently assessments are conducted and the experience of the skilled migrants when arriving in Australia to make a new life for themselves and their family are often coloured by the ease or otherwise of the process they have undergone.

The migration of skilled personnel to Australia enhances the Australian labour force and contributes greatly to the Australian economy. However, an overly bureaucratic system that impedes the timely arrival of much needed skilled labour does not assist industry in providing economic growth for Australia. Anecdotal evidence from my own state suggests that a lack of skilled workers is having a serious impact on plans for a number of major mining ventures.

For all of these reasons, a review of the recognition, upgrading and licensing of overseas skills was a very timely inquiry for the Joint Standing Committee on Migration to undertake. The current picture is complex and a number of submissions likened the task facing a potential migrant to that of someone trying to find their way through a maze. Where do they go to get started? If they start in the wrong place (elect to apply for one type of visa, for example, as opposed to another) they may find themselves lost in a bureaucratic muddle, unable to go forward or go back. What does the pre-migration assessment of skills really mean? What role do the state Overseas Qualifications Units play? How does an applicant

find out about how to improve their skills to meet the assessment requirements? Is registration a legal necessity?

The report examines the structural barriers that hamper the efficient recognition of skills of those trained overseas. Its recommendations contribute to further policy development in skills recognition and licensing, to promote greater labour mobility and address skills shortages.

During the inquiry a number of changes to the skilled migration program were announced by the government and other administrative changes were made by bodies involved in the process. The Committee hopes that this report identifies a number of areas where further improvements can be made, ensuring as robust a system as possible and one that is comparatively easy to understand.


The Committee was very pleased to receive a wide range of submissions on this subject. Not only federal and state government departments had input but also a wide range of professional organisations, industry groups and individuals who have been through the skilled migration process. The Committee was particularly grateful that so many groups and individuals were able to participate in the public hearings that were held.

I would like to thank all members of the Committee who worked so conscientiously during the course of the inquiry. Their experience in migration issues and understanding of the complexities associated with the subject have added greatly to the report. I would also like to place on record my thanks to the secretariat who assisted the Committee during the inquiry, and in particular Dr Kate Sullivan who started work on the inquiry when it was well underway and faced the difficult task of pulling much of the evidence together.

Finally, I was honoured to lead the Joint Standing Committee on Migration delegation to New Zealand in August 2006 as part of the annual committee exchange between the two parliaments. The Committee took the opportunity to examine New Zealand's skilled migration program, as well as its overseas skills recognition process.

On behalf of the delegation, I would like to thank the New Zealand parliamentarians, government and non-government officials and peak ethnic groups who generously gave their time and shared information which assisted in the Committee's report deliberations. I would also like to thank the other members of the delegation – Senator Linda Kirk, the Deputy Leader of the delegation; Mr Laurie Ferguson MP; and Senator Stephen Parry – for their active and constructive contribution to the delegation.

**Don Randall MP**  
Chair



## Membership of the Committee

Chair Mr Don Randall MP

Deputy Chair Senator Linda Kirk

Members Senator Andrew Bartlett

Senator Alan Eggleston

Senator Tsebin Tchen (to 30 June 2005)

Senator Stephen Parry (from 1 July 2005)

Mr Tony Burke MP (from 6 September 2005 to 11 October 2005)

Hon Dr Carmen Lawrence MP

Mr Laurie Ferguson MP

Mrs Julia Irwin MP (to 10 May 2005; and from 11 October 2005)

Mr Michael Keenan MP

Hon Roger Price MP (from 10 May 2005 to 6 September 2005)

Dr Andrew Southcott MP

## Committee Secretariat

Secretary	Ms Joanne Towner
Inquiry Secretary	Ms Paola Cerrato-D'Amico (from 2 May 2005 to 9 September 2005) Ms Kate Tubridy (from 12 September 2005 to 25 November 2005) Dr Kate Sullivan (from 6 February 2006)
Research Officers	Ms Samantha Mannette (from 6 September 2005 to 19 May 2006) Dr Mark Rodrigues (from 29 May 2006)
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## Terms of reference

On 19 April 2005 the Minister for Immigration and Multicultural and Indigenous Affairs referred the following matter to the inquiry:

1. Investigate and report on current arrangements for overseas skills recognition and associated issues of licensing and registration for:
  - Skills stream migrants who obtain assessment prior to migrating;
  - Families of skill stream migrants, family stream migrants and humanitarian entrants who seek assessment/registration/upgrading after arrival;
  - Temporary residents who need skills assessment/recognition; and
  - Australian citizens returning after significant time overseas, with overseas qualifications.
2. Consider how Australia's arrangements compare with those of other major immigration countries.
3. Identify areas where Australia's procedures can be improved including in terms of:
  - Communication of processes to users;
  - Efficiency of processes and elimination of barriers;
  - Early identification and response to persons needing skills upgrading (e.g. bridging courses);
  - Awareness and acceptance of recognised overseas qualifications by Australian employers;
  - Achieving greater consistency in recognition of qualifications for occupational licensing by state and territory regulators; and
  - Alternative approaches to skills assessment and recognition of overseas qualifications.



## List of abbreviations

ACOPRA	Australian Council of Physiotherapy Regulating Authorities
ACS	Australian Computer Society
AEI	Australian Education International
ALIA	Australian Library and Information Association
AMC	Australian Medical Council
AMEP	Adult Migrant English Program
APC	Australian Physiotherapy Council
AQF	Australian Qualifications Framework
AQTF	Australian Qualification Training Framework
ARF	Australian Recognition Framework
ARTC	Australian Recognised Trade Certificate
ASCO	Australian Standard Classification of Occupations
ASDOT	Assessment Subsidy for the Disadvantaged Overseas Trained Australians
ASNZCO	Australia and New Zealand Standard Classification of Occupations
ASRI	Australian Skills Recognition Information

CALD	Culturally and Linguistically Diverse
CCEA	Council of Chiropractic Education Australasia
CEP	Country Education Profiles
COAG	Council of Australian Governments
CPA	Certified Practising Accountant
CTC	Central Trades Committee
DEST	Department of Education, Science and Training
DEWR	Department of Employment and Workplace Relations
DIMA	Department of Immigration and Multicultural Affairs
DIMIA	Department of Immigration and Multicultural and Indigenous Affairs
ENS	Employer Nomination Scheme
ESM	Employer Sponsored Migration
GSM	General Skilled Migration
HECS	Higher Education Contribution Scheme
IELTS	International English Language Testing System
LSIA	Longitudinal Survey of Immigrants to Australia
LTC	Local Trades Committee
MODL	Migration Occupations in Demand List
MRC	Migrant Resource Centre
NESB	Non-English-Speaking Background
NOOSR	National Office of Overseas Skills Recognition
OQU	Overseas Qualifications Unit
OTD	Overseas Trained Doctor
RPL	Recognition of Prior Learning

RSMS	Regional Sponsored Migration Scheme
RTO	Registered Training Organisation
SHP	Special Humanitarian Program
SIR	Skilled Independent Regional (visa)
SOL	Skilled Occupation List
SSASSL	Sydney and Selected Areas Skilled Shortage List
TRA	Trades Recognition Australia
TRR Act	<i>Tradesmen's Rights Regulation Act 1946</i>
UAC	Uniform Assessment Criteria
VET	Vocational Education and Training
VETASSESS	Vocational Education Training and Assessment Services





# List of recommendations

## 1 Overview

### Recommendation 1

The Committee recommends that, as part of its long term research on migration outcomes, the Department of Immigration and Multicultural Affairs collect enhanced data on migrant utilisation of overseas qualifications and other indicators of the effectiveness of overseas skills recognition processes.

### Recommendation 2

The Committee recommends that the fee charged for assessing Australian qualifications for the purpose of independent overseas student and skilled Australian sponsored visas (subclasses 880, 881 and 882) be waived, where that qualification is sufficient in and of itself to allow the applicant to qualify for their profession or trade.

## 2 Policy coordination issues

### Recommendation 3

The Committee recommends that the industry outreach officer network collect information on skills recognition barriers from an employer perspective, including feedback on delays, bridging requirements, work experience and other skills issues, and that the Department of Immigration and Multicultural Affairs incorporate this information into further policy development.

### Recommendation 4

The Committee recommends that the Department of Immigration and Multicultural Affairs and other stakeholders use the skills expos to provide clearer and more detailed information on overseas skills

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recognition processes to users, particularly licensing and registration requirements.

#### Recommendation 5

The Committee recommends that the Department of Immigration and Multicultural Affairs establish a mechanism to better capture information from the Migrant Resource Centres on the barriers faced by migrants in seeking skills recognition.

#### Recommendation 6

The Committee recommends that the Department of Employment and Workplace Relations (DEWR) work more closely with assessing authorities, industry groups and other stakeholders to ensure the Migration Occupations in Demand List (MODL) reflects, as precisely as possible, occupations and specialisations in demand at any particular time. To facilitate this, DEWR should develop a process to more regularly review the MODL – on a three monthly basis, at a minimum – and improve feedback on its accuracy and currency.

#### Recommendation 7

The Committee recommends that the Department of Education, Science and Training accelerate the process of expanding and updating the Country Education Profiles and develop a process to periodically review and formally receive feedback on the accuracy and currency of that information.

### 3 Overseas skills recognition framework

#### Recommendation 8

The Committee recommends that the Department of Education, Science and Training implement a change of title for Australian Education International-National Office of Overseas Skills Recognition (AEI-NOOSR), with it to be referred to in future as Australian Education International (AEI). AEI should continue to perform the full range of functions currently undertaken by AEI-NOOSR.

#### Recommendation 9

The Committee recommends that the Department of Education, Science and Training:

- a) take over the management of the Vocational Education Training and Assessment Services contract from the Department of Immigration and Multicultural Affairs (DIMA);

- 
- b) improve its oversight, coordination and monitoring of assessing authorities;
  - c) enhance its liaison and support role of assessing authorities; and
  - d) improve its communication flows with assessing authorities, particularly concerning notice of policy changes by DIMA and the Department of Employment and Workplace Relations that may affect assessment processes.

#### Recommendation 10

The Committee recommends that the Department of Immigration and Multicultural Affairs regularly update and continually monitor the content of the new Australian Skills Recognition Information website to ensure that it meets the varied needs of the different groups requiring overseas skills recognition, particularly with regard to ensuring the information is user-friendly to people from non-English-speaking backgrounds.

#### Recommendation 11

The Committee recommends that the Department of Immigration and Multicultural Affairs add a 'frequently asked questions' section to the Australian Skills Recognition Information website.

#### Recommendation 12

The Committee recommends that the Department of Immigration and Multicultural Affairs ensure the Australian Skills Recognition Information website provides an overview of the various organisations involved in administering, monitoring and delivering overseas skills recognition services, both nationally and at the state and territory level, to clarify the governance arrangements and different roles and responsibilities of these bodies. This information should also include links to contact details and relevant performance reporting and accountability documents on skills recognition processes.

#### Recommendation 13

The Committee recommends that the Department of Immigration and Multicultural Affairs (DIMA) ensure the Australian Skills Recognition Information website includes a link to other key DIMA documents relating to overseas skills recognition – for example:

- Form 1121i, the Skilled Occupation List, which indicates the assessing authority for each occupation and their assessment procedures; and
- fact sheets such as 'How do you get your skills assessed?'

#### Recommendation 14

The Committee recommends that the Department of Immigration and Multicultural Affairs ensure key documents relevant to the migration process contain links to the Australian Skills Recognition Information website.

#### Recommendation 15

The Committee recommends that the Departments of Immigration and Multicultural Affairs and Education, Science and Training work together to remove duplication between the Australian Skills Recognition Information and the Australian Education International-National Office of Overseas Skills Recognition websites – in particular, the occupation specific information.

#### Recommendation 16

The Committee recommends that the Department of Education, Science and Training update the introductory information on overseas skills recognition on the Australian Education International-National Office of Overseas Skills Recognition website to include a reference to registration and licensing.

#### Recommendation 17

The Committee recommends that the Department of Immigration and Multicultural Affairs and the Department of Education, Science and Training (DEST), together with the assessing authorities overseen by DEST, continue to review the pre-migration information they provide on overseas skills recognition to ensure that:

- skills stream migrants understand they have only been assessed for migration purposes;
- sufficient detail is provided on licensing, registration and professional membership requirements; and
- additional information is provided on ways for potential migrants to build their employment readiness in Australia.

#### Recommendation 18

The Committee recommends that, as part of its long term research on migration outcomes, the Department of Immigration and Multicultural Affairs (DIMA) collect data, where privacy concerns allow, on:

- the experience of migrants in meeting registration, licensing and professional membership requirements, following completion of skills assessment processes; and

- any undue delays or other impediments to achieving successful employment outcomes because of these requirements.

DIMA should coordinate with the Department of Education, Science and Training and assessing authorities/professional bodies to assist in tracking this information.

#### Recommendation 19

The Committee recommends that the Department of Education, Science and Training increase the transparency of its monitoring arrangements and foster improvements in procedures by:

- a) immediately formalising its monitoring of assessing authorities, including establishment of an annual reporting arrangement, and communicating details of the full scope of this role to all stakeholders;
- b) arranging for a statement clarifying full details of its monitoring role to appear on the Australian Skills Recognition Information website, with a contact point for complaints handling;
- c) working with the professional bodies to agree on appropriate monitoring, reporting and accountability arrangements to cover overseas skills recognition processes undertaken by these bodies for other groups with overseas qualifications (family stream migrants et cetera) outside of the skilled migration stream, with these arrangements to be communicated to all stakeholders; and
- d) arranging for the performance and other statistical reporting data it collects from the assessing authorities, where privacy concerns allow, to be made publicly available.

#### Recommendation 20

The Committee recommends that the Department of Immigration and Multicultural Affairs include a link on the Australian Skills Recognition Information website to the Department of Education, Science and Training's *Good Practice Guide for the Assessment and Recognition of Overseas Qualifications and Skills for the Purposes of Migration*.

## 4 Professions: skills recognition issues

#### Recommendation 21

The Committee recommends that the Department of Education, Science and Training, as part of its monitoring of assessing authorities, review the occupational specific concerns relating to overseas skills assessment procedures raised in the evidence in Figure 4.1 and, as appropriate, address those concerns, with a report back to the Committee.

**Recommendation 22**

The Committee recommends that the Department of Education, Science and Training review inconsistencies in the skills assessment procedures of assessing authorities, with reference to the first section of Chapter 4 of the Committee's report, and work with assessing authorities to remove such inconsistencies, where appropriate, to ensure efficient and effective assessment processes.

**Recommendation 23**

The Committee recommends that the Department of Education, Science and Training review assessment completion times across all the assessing authorities with a view to expediting decisions.

**Recommendation 24**

The Committee recommends that the Department of Education, Science and Training (DEST) monitor assessment fees and work with assessing authorities to ensure these fees are reasonable and have been determined on a not-for-profit basis. DEST should also monitor exam failure rates and work with assessing authorities to address, as appropriate, any significant anomalies in this area.

**Recommendation 25**

The Committee recommends that Commonwealth agencies involved in implementing the new accreditation body for the health professions clarify as soon as possible how the development of a national approach for the assessment of the education and training qualifications of overseas trained health workers will impact on the current roles of the assessing authorities/professional bodies in this area, as well as on the Department of Education, Science and Training in its monitoring role for these authorities.

**Recommendation 26**

The Committee recommends that, in light of the serious concerns that have been raised with the Committee about overseas skills assessment processes for overseas trained doctors (OTDs), the Department of Health and Ageing should ensure initiatives announced by the Council of Australian Governments (COAG) to establish a national process for the assessment of OTDs are implemented by the COAG agreed timetable of December 2006.

**Recommendation 27**

The Committee recommends that the Department of Health and Ageing urgently address, as part of the recently announced Council of Australian Governments initiatives, the provision of:

- 
- a) orientation and support services to overseas trained doctors (OTDs), particularly those located in rural and remote areas; and
  - b) targeted bridging courses for OTDs.

#### Recommendation 28

The Committee recommends that the Department of Education, Science and Training work with the Department of Immigration and Multicultural Affairs to add a new section on training to the Australian Skills Recognition Information website. The website should emphasise the need to consult with assessing authorities before undertaking any education and training to ensure that the course will actually contribute to a successful skills assessment in their profession.

#### Recommendation 29

The Committee recommends that the Department of Education, Science and Training, as part of its international education policy oversight role, monitor education and training, including bridging courses, undertaken in Australia for skills assessment and migration purposes to improve communication to users.

#### Recommendation 30

The Committee recommends that the Department of Education, Science and Training, in its monitoring role of assessing authorities, work with the Australian Council of Physiotherapy Regulating Authorities (now the Australian Physiotherapy Council) to ensure its processes are consistent with best practice, and report back to the Committee on this matter.

#### Recommendation 31

The Committee recommends that the Department of Education, Science and Training, in its monitoring role of assessing authorities, work with the Council on Chiropractic Education Australasia to ensure its processes are consistent with best practice, and report back to the Committee on this matter.

#### Recommendation 32

The Committee recommends that the lead Commonwealth agencies responsible for migration, employment and international education policy – the Departments of Immigration and Multicultural Affairs, Employment and Workplace Relations, and Education, Science and Training – implement processes to ensure:

- a) a rapid response to concerns raised by assessing authorities/professional bodies about specific occupational oversupplies or undersupplies that might impact on successful migration and employment outcomes; and

- 
- b) there is improved coordination between migration employment policy and international education policy to avoid occupational oversupplies such as those that have occurred in accounting and information and communications technology.

#### Recommendation 33

The Committee recommends that the Department of Education, Science and Training, as the new manager of the Vocational Education Training and Assessment Services (VETASSESS) contract, review VETASSESS processes to enable it to broaden its skills assessment regime to allow competency based assessment and recognition of work experience.

#### Recommendation 34

The Committee recommends that the Department of Immigration and Multicultural Affairs update:

- a) the occupational specific information for librarians and library technicians on the Australian Skills Recognition Information (ASRI) website to notify potential migrants of the need to contact the Australian Library and Information Association to obtain information on membership requirements of the professional body necessary to gaining employment in these occupations in Australia; and
- b) the generic information across all occupational entries on the ASRI website to ensure there is a reference to membership of professional bodies being a formal requirement to work in certain professions.

## 5 Trades: skills recognition issues

#### Recommendation 35

The Committee recommends that the Skilled Occupation List be amended to include a prominent statement at the start of the document that additional assessments for registration or licensing purposes may be required on arrival in Australia, before an applicant can commence work, and that additional training might be required.

#### Recommendation 36

The Committee recommends that the Department of Immigration and Multicultural Affairs, along with the Department of Employment and Workplace Relations and the Department of Education, Science and Training, review the assessing authorities in the trades and technical areas to ensure some consistency of approach in allocation of trades to either the Vocational Education Training and Assessment Services or Trades Recognition Australia.



**Recommendation 37**

The Committee recommends that the operation of the new system of overseas assessment due to be in place in the five target countries by July 2007 be assessed by a tripartite group comprising industry, union and public service representatives.

**Recommendation 38**

The Committee recommends that Trades Recognition Australia transfer officers to state and territory Overseas Qualifications Units (or their equivalent), where justified by demand, to provide direct liaison with all stakeholders to assist in the implementation of the Council of Australian Governments reforms.

**Recommendation 39**

The Committee recommends that, during the period leading up to the introduction of new offshore processing arrangements, Trades Recognition Australia (TRA) expand its international telephone service hours to improve access for the five main source countries for trades. In addition, TRA should ensure that telephone contact from within Australia can be made to both its Canberra and Melbourne offices during normal business hours.

**Recommendation 40**

The Committee recommends that the *Tradesmen's Rights Regulations Act 1946* be repealed, and Trades Recognition Australia cease to conduct domestic assessments of skills in the electrical and metal trades.

**Recommendation 41**

The Committee recommends that Trades Recognition Australia confine its activities to the international assessment of overseas qualifications for migration purposes, in line with the Council of Australian Governments directives to guarantee the quality of assessments and protection of Australian standards.

**Recommendation 42**

The Committee recommends that, subject to the Council of Australian Governments' agreement, a state-based trade recognition system be instituted, based around the Australian Qualifications Framework, for those trades currently covered by the Australian Recognised Trade Certificate system.

## 6 International practice and agreements

### Recommendation 43

The Committee recommends that the Australian Government continues to encourage and assist professional regulatory authorities to expand their use of bilateral and multilateral international mutual recognition arrangements, while ensuring that Australian standards are not compromised. In particular, the Committee recommends improved policy oversight to facilitate this initiative.

### Recommendation 44

The Committee recommends that the Department of Foreign Affairs and Trade coordinate, on behalf of the Australian Government, an annual report to be tabled in parliament on international skills recognition and licensing arrangements. The report should cover the progress in establishing, implementing and monitoring inter-governmental mutual recognition arrangements, including the Trans-Tasman Mutual Recognition Arrangements, the Asia-Pacific Recognition Convention, the Lisbon Recognition Convention, the recognition measures in the free trade agreements and the General Agreement on Trade in Services.

## 7 Other issues in overseas skills recognition

### Recommendation 45

The Committee recommends that:

- a) applicants under the skills stream, employer sponsored (including Labour Agreements) and temporary visa categories such as the 457 visa be required to have vocational English as a minimum standard;
- b) the Department of Immigration and Multicultural Affairs specify the manner in which language proficiency is assessed; and
- c) an independent evaluation be conducted to ensure that consistent standards of English language competence are being applied.

### Recommendation 46

The Committee recommends that the Department of Immigration and Multicultural Affairs extend its fee-free document translating service, to provide for three documents in each category for each eligible visa holder.

### Recommendation 47

The Committee recommends that the Department of Immigration and Multicultural Affairs explore local work experience initiatives in a further review of migrant settlement services in 2007.

The review should consider the development of new service options for migrants and humanitarian entrants that would allow them to gain work experience early on in their job search and provide them with scope to combine work experience with English language and other training elements, with a particular emphasis on workplace culture and use of technology. The role of professional bodies in providing transition to work programs should also be considered. This review would also look at English language training, particularly industry specific language courses.

#### **Recommendation 48**

The Committee recommends that the settlement process for those who have not undergone a skills assessment prior to arrival should include a listing of their qualifications and previous work experience, and that, subject to the individual's agreement, this information be made available to those involved in provision of settlement services and to the relevant state or territory Overseas Qualifications Unit.

#### **Recommendation 49**

The Committee recommends that the Departments of Education, Science and Training, and Immigration and Multicultural Affairs undertake a scoping study on the potential of an online professional mentoring program targeting prospective skilled migrants in Australia. Such a program would recruit industry volunteers to provide general advice to prospective migrants on skills recognition, licensing, employment and related matters, based on the Canadianfonet model described in Chapter 6 of the report.

#### **Recommendation 50**

The Committee recommends that, given the lack of consolidated information on bridging courses around Australia, the Department of Education, Science and Training undertake a detailed audit of the availability of such courses, the costs and time commitments involved, the uptake rate of various courses and, most importantly, the success rates of bridging courses in enabling individuals with overseas qualifications to gain successful skills recognition. The results of the audit should be made publicly available – for example, on the Australian Skills Recognition Information website.

#### **Recommendation 51**

The Committee recommends the creation of a Higher Education Contribution Scheme type system to allow humanitarian stream entrants with some level of trade qualifications to undertake appropriate courses to enable them to work in their trade occupations.

**Recommendation 52**

The Committee recommends Job Network contracts be revised to enable the agency to assist eligible overseas qualified job seekers pursue (through additional training, for example) occupations in which they have existing skills and experience, rather than immediately place them in any position available, including unskilled positions.

**Recommendation 53**

The Committee recommends that the Department of Education, Science and Training conduct a review of the Assessment Fee Subsidy for Disadvantaged Overseas Trained Australians to determine how well it is meeting the needs of humanitarian entrants and what could be done to improve its operation in this area, in terms of communication, coverage of occupations and the criteria for eligibility.

**Recommendation 54**

The Committee recommends that the Department of Immigration and Multicultural Affairs monitor the use of English language tuition by humanitarian entrants and review the Adult Migrant Education Program to ensure that it meets the needs of humanitarian entrants.

**Recommendation 55**

The Committee recommends that the Departments of Immigration and Multicultural Affairs and Education, Science and Training review the current processes followed by assessing authorities to determine if further steps need to be taken to combat document and identity fraud.



# Inquiry process

## Background to the inquiry

The 2003 *Review of Settlement Services for Migrants and Humanitarian Entrants* report noted that 'skills recognition remains a major issue for new arrivals'.<sup>1</sup>

Major issues identified in that report included a lack of understanding or information about skills recognition processes at the point of visa application; skills recognition processes taking up to three months and the perceived high cost of fees, bridging courses and retraining; perceptions of a 'gap' between the skills assessment of the Department of Immigration and Multicultural Affairs (DIMA) at visa application and later skills or trade recognition practices undergone in Australia; and the failure of employers to recognise or value overseas qualifications and employment experience.<sup>2</sup>

Other Australian inquiries into this issue over the past two decades have included:

- *Recognition of Overseas Qualifications in Australia*, Fry Committee of Inquiry into Recognition of Overseas Qualifications (1982)
- *Wasted Skills: Barriers to Migrant Entry to Occupations in Australia*, R. Iredale, Ethnic Affairs Commission of NSW (1987)
- *Commonwealth Legal and Administrative Powers in Overseas Skills Recognition*, National Advisory Committee on Skills Recognition (1991)
- *Assessment of Overseas Qualifications*, P. Flatau and G. Wood, Department of Immigration and Multicultural Affairs (1997)

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1 DIMIA, *Report of the Review of Settlement Services for Migrants and Humanitarian Entrants*, May 2003, p. 125.

2 DIMIA, *Report of the Review of Settlement Services for Migrants and Humanitarian Entrants*, pp. 125-126.

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- *The Race to Qualify*, Report on the Review of Practices for the Employment of Medical Practitioners in the NSW Health System, NSW Committee for the Review into the Employment of Medical Practitioners (1998)
  - *Assessment of Overseas Qualifications and Skills: A Comparative Analysis*, M. Cully and T. Skladzien, Report to the Overseas Qualifications Board, National Institute of Labour Studies (2001).

More recently, a number of other reports have touched on the efficacy of Australia's arrangements for recognising overseas skills. The 2006 Productivity Commission report, *Economic Impacts of Migration and Population Growth*, concluded that:

Compared with other countries, the Australian regime for assessing and recognising overseas skills and qualifications is well-developed and generally achieves its goals. However, there is evidence that, in some instances, the skills assessment and recognition arrangements for Australia could be improved to better meet their objectives.<sup>3</sup>

The 2006 study, *Evaluation of the General Skilled Migration Categories*, similarly noted that the 'assessment of offshore training and work experience' by the assessing authorities and DIMA was an operational area considered 'to warrant further attention'.<sup>4</sup> The 2006 *National Industry Skills Report* further commented that there was a need to develop 'better arrangements for recognition of overseas qualifications and skills' and 'consistent regulations and licensing requirements across jurisdictions', with 'links to competency standards'.<sup>5</sup>

The South Australian Government also recently reported on this area, concluding that, while there are many good practices and initiatives being implemented, 'there remain several barriers to the effective assessment and recognition of overseas skills and qualifications'. Other issues raised included that there are significant gaps in the availability of information about skills recognition processes for potential migrants offshore and new arrivals, and there is potential to shorten the length of time involved in assessment processes through the establishment of offshore and online processes. Further, the costs associated with assessment and registration can be a significant barrier to some migrants, many migrants require support in navigating the employment and skills system, and community perceptions about the value of overseas qualifications and migrant

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3 Productivity Commission, *Economic Impacts of Migration and Population Growth*, Final Report, April 2006, p. 184.

4 B. Birrell, L. Hawthorne and S. Richardson *Evaluation of the General Skilled Migration Categories*, Commonwealth of Australia, March 2006, p. 94.

5 DEST, *National Industry Skills Report*, May 2006, p. 16.

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skills continue to present barriers to the successful transition of migrants into the workforce.<sup>6</sup>

The Joint Standing Committee on Migration considered this issue in its 2004 report, *To Make a Contribution: Review of Skilled Labour Migration Programs*, recommending that:

... the General Skilled Migration booklet list the skilled occupations and migration occupations in demand which require migrants to be registered prior to practising in Australia.

... DIMIA seek the cooperation of assessing authorities in providing migrant-oriented summaries of their Australian assessment, post-arrival obligations, and registration requirements in its Skilled Occupations List publication.

... assessing bodies continue to seek harmonisation of registration requirements across the States and Territories.<sup>7</sup>

The government responded to the Committee's report on 1 December 2005 and agreed to the above recommendations. Prior to that, on 19 April 2005, the Minister for Immigration and Multicultural Affairs, Senator the Hon Amanda Vanstone, sought the Committee's agreement to review overseas skills recognition, upgrading and licensing.

In its submission to the Committee's inquiry, DIMA noted the importance of having 'fast, efficient and client friendly skills recognition procedures', given the expansion in the skill stream of Australia's migration program to meet current skills shortages and the prospect of a rapidly declining working age population in a decade's time.<sup>8</sup> Inefficiencies in these procedures may directly impact on Australia realising the productive potential of this workforce and, in turn, affect economic growth and competitiveness.

For example, in its submission to the Productivity Commission inquiry referred to above, DIMA noted that 'some of the contributing factors to the downward occupational mobility of skilled migrants after arrival in Australia' relate to overseas skills recognition issues:

- Recognition of overseas skills for employment purposes
- Recognition of overseas work experience
- Different licensing and registration requirements in States and Territories

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6 Overseas Qualifications Reference Group, *Final Report*, Training and Skills Commission South Australia, October 2005, p. 4.

7 Joint Standing Committee on Migration, *To Make a Contribution: Review of Skilled Labour Migration Programs 2004*, March 2004, pp. 148-149.

8 DIMA, *Submission No. 80*, p. 1.

- Lack of local work experience, in particular training for use of technology in the workplace
- Registration/licensing requirements regarding entry to the labour market of some professions and trades
- Real or perceived English language proficiency shortfalls
- Perceived attitudes, behavioural and performative traits of qualified/skilled migrants by employers.<sup>9</sup>

DIMA also commented to the Committee that:

... while employment rates and real income levels of recent skilled migrants have improved significantly compared to those of earlier cohorts in the same categories, a number of skilled migrants are in jobs that do not match their qualifications or in jobs that do not recognise their qualifications. ... for example, 20 per cent of skilled independent migrants and their migrating spouses do not use their qualifications in Australia, compared to only eight per cent not using their qualifications in their home countries.<sup>10</sup>

Other key Commonwealth departments involved in the development of overseas skills recognition policies and procedures include the Department of Employment and Workplace Relations (DEWR) and the Department of Education, Science and Training (DEST). In its submission to the Committee inquiry, DEWR noted that, while it 'considers that, overall, Australia's skill recognition arrangements work well, there remain some areas where fine-tuning could lead to improvements in the effectiveness of current arrangements'.<sup>11</sup>

In terms of an international comparison between Australia's arrangements and those of other major immigration countries, DEWR further commented that '[i]n the increasingly competitive international market for highly skilled migrants, analysis shows that Australia's skills recognition and processing arrangements compare favourably with those of other countries'.<sup>12</sup> This comment is supported by the comparative research undertaken in Chapter 6 on skills recognition arrangements across a range of countries.

Finally, an important recent development was the Council of Australian Governments (COAG) announcement on 3 June 2005 that a working group would examine 'effective implementation of full mutual recognition of skills qualifications across Australia [and] an appropriate system for recognition of

9 DIMA, Submission (No. 22) to the Productivity Commission study into the economic impacts of migration and population growth, 29 September 2005, p. 14, <http://www.pc.gov.au/study/migrationandpopulation/subs/sub022.rtf> (accessed 25 July 2006).

10 Mr Rizvi, DIMA, *Transcript of Evidence*, 5 September 2005, pp. 2-3.

11 DEWR, *Submission No. 63*, p. 6.

12 DEWR, *Submission No. 63*, p. 3. This point was also supported by DEST, *Submission No. 91*, p. 10.



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overseas qualifications'.<sup>13</sup> COAG initiatives relating to these areas were announced in February and July 2006. (These initiatives are discussed in detail in the report.)

## Referral

On 19 April 2005 the Minister for Immigration and Multicultural Affairs sought the Committee's agreement to review overseas skills recognition, upgrading and licensing. The Committee agreed to that request on 11 May 2005.

## Conduct of the inquiry

The inquiry was advertised in *The Australian* in May 2005 and letters were sent to over 200 organisations and individuals with a possible interest in this matter. Further advertisements were placed in the *Courier Mail*, *Daily Telegraph*, *Herald Sun* and *The West Australian* in early July 2005 inviting comment from skilled migrants themselves. The Committee received 107 submissions, 23 supplementary submissions and 86 exhibits. Details are at Appendices A and C to this report.

Public hearings were held in Canberra (5 September 2005, 27 February 2006, 27 March 2006 and 24 May 2006), Melbourne (24 November 2005), Sydney (23 November 2005), Perth (15 November 2005 and 20 April 2006), Adelaide (14 November 2005) and Brisbane (9 March 2006). Details of witnesses are at Appendix B.

The Committee appreciated the quality of input from a wide range of interested groups and individuals and their continued interest in this area.

## The Committee's approach

On 14 April 2005 the government announced an increase of up to 20,000 places for Australia's 2005-06 skilled migration intake.<sup>14</sup> The importance of skilled migration has been further highlighted by the widespread recognition that Australia faces a serious shortage of skilled labour.<sup>15</sup> Given the numbers and skill levels involved, the Committee focused much attention on Australia's current arrangements for overseas skills recognition for skills stream migrants.

However, as overseas skills recognition is an important issue for people who come to Australia outside of the skills stream, the Committee also examined the

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13 COAG, *Communique*, 3 June 2005, <http://www.coag.gov.au/meetings/030605/index.htm> (accessed 25 July 2006).

14 Senator the Hon Amanda Vanstone, Minister for Immigration and Multicultural Affairs, '2005-06 Migration Program – Media backgrounder', 14 April 2005, <http://www.immi.gov.au/media/media-releases/2005/index.htm> (accessed 2 August 2006).

15 DEWR, *Workforce Tomorrow: Adapting to a More Diverse Australian Labour Market*, 2005, p. 3. See also Productivity Commission, *Economic Implications of an Ageing Australia*, Final Report, March 2005.

arrangements in place for other migrant groups needing post-arrival skills recognition, as well as arrangements for Australian citizens returning to Australia with overseas qualifications.

The Committee also looked at Australia's overseas skills recognition arrangements in comparison with those of other major immigration countries to identify areas where Australia's procedures could be improved.

A particular feature of this inquiry was that action was taken by a number of agencies over the course of the inquiry to address several areas that had been raised with the Committee as being of particular concern. For example, there were improvements in the processing times of Trades Recognition Australia within DEWR, and the Migration Occupations in Demand List moved to being updated by DEWR twice a year instead of once a year and was modified to include specialisations within occupations. Further, the Country Education Profiles, produced by Australian Education International and the National Office for Overseas Skills Recognition within DEST, were updated and made available online. These profiles are used by the assessing authorities, state and territory Overseas Qualifications Units, employers and others to compare overseas and Australian qualifications.

Two significant developments impacted on the inquiry during the conduct of hearings and the report drafting stage. Firstly, there was the series of COAG announcements in June 2005, February 2006 and July 2006 on new overseas skills recognition arrangements for trades, revised assessment processes for overseas trained doctors and the creation of national accreditation and registration bodies for the health professions. These COAG initiatives are discussed in detail in the report. Secondly, in May 2006 the Minister launched the much-anticipated DIMA Australian Skills Recognition Information website. This initiative has streamlined information on overseas skills recognition, particularly across occupational areas. The website is discussed in the report.

The Committee was selected to visit New Zealand as part of the annual committee exchange between the two parliaments, and took the opportunity to examine New Zealand's skilled migration program, and in particular its skills assessment and recognition process. The visit took place at the end of August 2006, after the Committee had largely finalised its report. Chapter 6 provides an overview of how Australia's skills recognition arrangements compare with those of other major immigration countries, including New Zealand. A summary of some of the Committee's key observations in this area as a result of the visit serves as a useful introduction to the section on New Zealand.

## The report

The report consists of seven chapters. Chapter 1 provides an overview of the skilled migration program and the various groups that require skills assessment,

either prior to migration or after arrival. Chapter 2 examines a range of policy coordination issues. Chapter 3 sets out in some detail the framework for the overseas skills recognition process as it operates currently. Chapter 4 deals with assessment issues principally affecting professions, while Chapter 5 deals with trades. Chapter 6 looks in detail at how Australia's arrangements compare with those of other major immigration countries, including some indication of the international competition for skilled workers. Chapter 7 concludes with an examination of a number of other issues that arose during the inquiry, including the importance of local work experience, English language ability, bridging courses and specific challenges faced by humanitarian entrants in having their skills recognised.

Over the course of the inquiry, the Committee noted some examples of confused terminology and muddled references to the roles of various agencies involved in the overseas skills recognition process. This is inevitable given the complexity of the process, the number of agencies operating in the area and the broad scope of issues involved. Space has therefore been allotted in this report to explaining the various roles of these agencies and defining some of the broader issues relevant to this area.

The evolutionary nature of overseas skills recognition policy and procedures across a broad range of authorities has meant that the Committee has often been reliant on the internet to keep its information up to date. All website content quoted in this report was as it appeared during the period of drafting between June and August 2006. Much of the website content cited was continually accessed over this period. As the content of websites rapidly changes, specific dates for some citations, to indicate when the material was accessed, have therefore been provided. The Committee acknowledges that website content quoted in this report may have been updated or otherwise altered subsequent to the report being finalised.

On 24 January 2006, the Prime Minister announced ministerial changes that affected the then Department of Immigration and Multicultural and Indigenous Affairs (DIMIA). The Office of Indigenous Policy Coordination was moved to the Family and Community Services portfolio. As a result, the portfolio of Immigration, Multicultural and Indigenous Affairs was renamed Immigration and Multicultural Affairs. As this change occurred during the period of this inquiry, many of the submissions and transcripts refer to DIMIA rather than DIMA. The report refers consistently to DIMA, but references to DIMIA in quoted material have been left unchanged.



*It is an absolute maze of information to go through. You would not even know where to start, if you were a beginner. It takes a lot of time and energy to find out the right places to go in order to find the right questions so as to get the right answers.<sup>1</sup>*

## Overview

- 1.1 Assessing the skills of those who wish to migrate to Australia as skilled migrants is a key element of the migration system. The migration of skilled personnel to Australia enhances the Australian labour force and contributes to the Australian economy. The importance of skilled migration has been further highlighted by the widespread recognition that Australia faces a serious shortage of skilled labour and the prospect of a rapidly declining working age population in a decade's time.<sup>2</sup>
- 1.2 Furthermore, skills recognition processes play a crucial role in facilitating the engagement of migrants and overseas trained Australians in employment commensurate with their ability, thereby maximising their productive potential and contribution to the Australian economy.
- 1.3 Evidence to the inquiry reinforced the need to review arrangements in this area. The Department of Immigration and Multicultural Affairs (DIMA) noted that, while 'Australia has comparatively good overseas

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1 Mr Skilbeck, Migrant Settlement Services Cairns, *Transcript of Evidence*, 9 March 2006, p. 37.

2 DEWR, *Workforce Tomorrow: Adapting to a More Diverse Australian Labour Market*, 2005, p. 3. See also Productivity Commission, *Economic Implications of an Ageing Australia*, Final Report, March 2005.

skills recognition, licensing and upgrading processes, there is scope for substantial improvement'.<sup>3</sup>

## **What is the problem and what can we do about it?**

- 1.4 As noted in the section on the background to the inquiry, previous reports have identified the problem of lost productivity due to various barriers to timely recognition of skills, occupational licensing and employment of overseas trained individuals. The problem is compounded by the current shortage of skilled labour in Australia.
- 1.5 The policy objective of skills recognition and licensing processes are to ensure that:
- those selected to migrate on the basis of their skills are able to integrate readily and rapidly into the Australian workforce
  - others who migrate to Australia and who have overseas qualifications and skills have effective pathways for assessment, recognition and upgrading.<sup>4</sup>
- 1.6 This report aims to address the lost productivity and skill wastage in the labour force by promoting an efficient and world-class skills recognition and licensing system that is responsive to the needs of both industry and clients, while maintaining Australian occupational standards. The report recommends a number of measures to promote domestic and international labour mobility. The Committee believes that these measures, if implemented, will assist in maximising the contribution of overseas trained workers in Australia.

## **Where have we been and where are we going?**

- 1.7 To assist in reading this report, it is useful to provide a brief picture of Australia's current overseas skills recognition framework and what the Committee, over the course of the report, recommends this framework should look like in the future (see Figures 1.1 and 1.2).
- 1.8 As Figure 1.1 indicates, there is no national coordinating body for overseas skills recognition in Australia. As Figure 1.2 shows, the

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3 Mr Rizvi, DIMA, *Transcript of Evidence*, 5 September 2005, p. 3.

4 DIMA, *Submission No. 80*, p. 1.

Committee's recommendations, along with the Council of Australian Governments (COAG) initiatives, combine to create a more streamlined framework for the future. However, in light of the COAG initiatives, the Committee has not recommended at present the creation of a single national overarching governance body to coordinate and harmonise skills recognition and licensing/registration arrangements in Australia.

Figure 1.1 Current skills recognition framework

	Trades	Professions	Generalist professions/occupations
Pre-migration assessment	DEWR—TRA	DEST—assessing authorities	DIMA—VETASSESS
Post-arrival assessment	DEWR—TRA (metal and electrical) States and territories	Professional bodies Employers	Professional bodies Employers
Licensing/registration	State and territory licensing/registration bodies	State and territory licensing/registration bodies	n/a

Figure 1.2 Proposed skills recognition framework

	Trades	Health-related professions	Non-health related professions
Pre-migration	DEWR—TRA	New national accreditation body	DEST—assessing authorities and VETASSESS
Domestic	States and territories	New national accreditation body	Professional bodies Employers
Licensing/registration	State and territory licensing/registration bodies	New national registration body	State and territory licensing/registration bodies or n/a

1.9 While skills stream migrants clearly represent a major skills source for Australia, families of skills stream migrants, family stream migrants, humanitarian entrants, temporary residents and Australian citizens who have trained offshore represent other important sources of skills. As the Victorian Government commented:

Australian jurisdictions are starting to recognise that migrants who arrive here under the full range of visa categories, not

just skilled visas, may have skills that could be utilised in Australia.<sup>5</sup>

- 1.10 Each of these groups requires some form of skills recognition, whether pre-migration or post-arrival.
- 1.11 Any difficulties being experienced by these groups in skills recognition, upgrading and licensing could have a significant economic and social impact, given the migration numbers involved. This represents a potential 'wastage of skills' for the individual and the Australian community as a whole. As recent Australian research has noted:

Studies consistently show that skilled migration enhances the health of the economy and labour market. A critical element in achieving this positive outcome is that the knowledge, skills and training of incoming migrants are fully utilised. If the appropriate job matching fails to occur, then the migrants will be 'under-employed', in the sense that they are not able to make the same productive contribution as they might otherwise be able to make. The process by which qualifications attained prior to entry to Australia are assessed and recognised will be a major determinant in the eventual employment position of immigrants. Further, the better this process works, the more it will promote the retention of migrants, and further enhance the attraction of Australia as a destination.<sup>6</sup>

- 1.12 In terms of economic impact, in a submission to a recent Productivity Commission inquiry, DIMA stated it had provided:

... empirical research evidence of the extent of under-utilisation of the human capital already delivered and to be delivered through the migration program. Given that at present 25% of the workforce is comprised of migrants, and the fact that migration alone will keep Australia's working-age population growing past the end of the next decade, it would be reasonable to assume that the extent to which Australia maximises the use and realises the productive

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5 Victorian Government, *Submission No. 100*, p. 4.

6 M. Cully and T. Skladzien, *Assessment of Overseas Qualifications and Skills: A Comparative Analysis*, Report to the Overseas Qualifications Board, National Institute of Labour Studies, Flinders University, Adelaide, 2001, p. 11.



potential part of its diverse workforce would impact on its economic growth and competitiveness in the global market.<sup>7</sup>

- 1.13 In terms of impact on Australia's social capital, as one witness commented:

Left to the market, certain categories of immigrants, especially refugees, are likely to end up in pockets of disadvantage in the large cities. Poor integration – economic and social – causes social marginalisation of whole communities. This is a well-known phenomenon around the globe, which causes long-term serious social problems.<sup>8</sup>

- 1.14 New migrants and refugees who have been in the country for less than five years are often at a disadvantage when it comes to finding work. In June 2005, for example, there were 36,400 unemployed migrants who had arrived in Australia between 2001 and 2005, most of whom were from non-English-speaking backgrounds:

Those from the Middle East and Africa, in particular, have much higher unemployment rates which may lead to disaffection and community unrest in the long run if not addressed.<sup>9</sup>

- 1.15 While this report identifies areas where Australia's overseas skills recognition procedures might be improved, the Committee fully supports the view of the Department of Employment and Workplace Relations (DEWR) that there should be no changes to these procedures that result in a 'dilution of the skill level of temporary business or permanent Skill Stream migrants and, as a result, their employability, competitiveness in the labour market and contribution to the economic well being of Australia'.<sup>10</sup> The need to balance rigorous accreditation procedures that ensure the level of skills of those coming into the country is equivalent to Australian quality and safety standards with the call for streamlined, fast-tracked

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7 DIMA, Submission (No. DR 43) to the Productivity Commission study into the economic impacts of migration and population growth, 6 February 2006, p. 4, <http://www.pc.gov.au/study/migrationandpopulation/subs/subdr043.pdf> (accessed 25 July 2006).

8 Dr Colic-Peisker, *Transcript of Evidence*, 15 November 2005, p. 55.

9 A. Millbank, J. Phillips, and C. Bohm, *Australia's Settlement Services for Refugees and Migrants*, E-brief, 9 June 2006, p. 5, <http://www.aph.gov.au/Library/intguide/SP/settlement.htm> (accessed 25 July 2006).

10 DEWR, *Submission No. 63*, p. 7.

arrangements is one of the challenges facing Australian policy makers.

- 1.16 This chapter provides an overview of Australia's migration policy and discusses some of the benefits for Australia from skilled migration before looking briefly at Australia's skills shortage. (The development of Australia's overseas skills recognition framework is discussed in Chapter 3.)
- 1.17 The chapter then looks at some statistics, demographics and trends and provides some indication of the numbers involved for the different groups requiring skills recognition, as listed in the Committee's terms of reference. Statistics on employment outcomes for the different groups and their countries of origin also help provide context.
- 1.18 Chapter 1 concludes by providing an overview of the different groups requiring overseas skills recognition and the relevant visa categories involved. It also briefly discusses issues related to Australian qualifications that may be held by skills stream applicants and the need to have those qualifications assessed for migration purposes by assessing authorities.

## **Australia's migration policy and benefits of skilled migration**

- 1.19 The focus of Australia's migration program has evolved over the last 60 years since the federal immigration portfolio was created in 1945. This saw the implementation of a large-scale migration program to stimulate post-war economic development. In the 1950s and 1960s the program aimed to bring in workers to develop Australia's manufacturing industries. By the early 1990s, the program had a range of social, humanitarian and economic objectives. Over the last 10 years the emphasis of the program has been on skilled migration, both temporary and permanent, particularly to regional areas.<sup>11</sup>
- 1.20 The government has developed policies designed to target migrants with experience in areas where there is a skill shortfall through its General Skilled Migration program. The Migration Occupations in Demand List (MODL) identifies where there are major skills shortages. Some 97,500 places were allocated for skilled migration in

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11 DIMA, *Immigration: Federation to Century's End, 1901-2000*, October 2001, pp 14-15.

2005-06, the largest number ever allocated.<sup>12</sup> Table 1.1 shows the migration planned intake over the period 1995-2006.

Table 1.1 Migration program planned intake 1995-2006

Year	Planned intake	Year	Planned intake
1995-96	83 000	2001-02	85 000
1996-97	74 000	2002-03	110 000
1997-98	68 000	2003-04	110 000
1998-99	68 000	2004-05	120 000
1999-00	70 000	2005-06	140 000
2000-01	76 000		

Source Ministerial press releases 1996-2005 and DIMA website—see Phillips, *Skilled Migration to Australia*.

- 1.21 There has also been an increase in temporary migration to Australia over recent years, particularly by business and skilled migrants. A link has also been evident between temporary and permanent migration, with a temporary visa often being the first step towards permanent migration. In 2004-05, for example, 39,000 permanent visas were granted to individuals already in Australia on visitor, student or temporary worker visas.<sup>13</sup>
- 1.22 In April 2006, the Productivity Commission released a report, *Economic Impacts of Migration and Population Growth*, that examined the impact of migration on Australia's productivity and economic growth and impediments preventing Australia from realising productivity gains from migration. The report found that 'economic output, employment and investment all increase as a result of skilled migration', although the 'overall economic effect of migration appears to be positive but small'.<sup>14</sup>
- 1.23 In contrast, DIMA commented that '[o]ur capacity to select migrants who have recognised skills and English language ability to quickly enter the labour market means that skilled migrants make a strong contribution to the Australian economy'.<sup>15</sup> The Committee notes these differing views on the impact of migration on the national economy.

12 J. Phillips, *Skilled Migration to Australia*, Parliamentary Library E-Brief, 5 June 2006, [http://www.aph.gov.au/Library/intguide/SP/Skilled\\_migration.htm](http://www.aph.gov.au/Library/intguide/SP/Skilled_migration.htm) (accessed 25 July 2006).

13 See Phillips, *Skilled Migration to Australia*, p. 3.

14 Productivity Commission, *Economic Impacts of Migration and Population Growth*, Research report, April 2006, p. 150 and p. xxii.

15 DIMA, *Submission No. 80*, p. 1.

## Extent of Australia's skilled labour shortage

- 1.24 Over the last few years there has been an increasing amount of evidence that skills shortages are being experienced in some occupations and industries. The reasons for skills shortages are complex and varied.
- 1.25 The recent *National Industry Skills Report* by the Department of Education, Science and Training (DEST) identifies 'the importance of skills, and labour availability, as a key business issue for enterprises and industries in all sectors', with these pressures being driven by the general rate of economic growth and the growing impact of workforce ageing.<sup>16</sup>
- 1.26 DEWR's *Workforce Tomorrow* report notes that population ageing will impact on 'all major industries and occupations across most Australian regions' and that over the next five years 'the estimated impact of population ageing is equivalent to a shortfall of 195,000 workers'.<sup>17</sup>
- 1.27 Skilled migration is just one way of addressing the skills shortage. Greater diversification of the workforce is frequently emphasised as another way of increasing the available labour force, with broadened participation from women and Indigenous people, for example. The Chamber of Minerals and Energy, Western Australia, commented on the significance of this area in the resources sector, stating that involving Indigenous people in employment and training 'is a significant focus for the industry as a whole'.<sup>18</sup> Similarly, the Committee notes that training and support to assist the employment of women is also a priority, given that, according to research undertaken by the Women's Economic Policy Analysis Unit at Curtin University, 'about 65 per cent of non-employed or under-utilised labour in the Australian labour market is female'.<sup>19</sup>
- 1.28 The importance of domestic training of local workers, in terms of expansion of training opportunities for Australians, was also

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16 DEST, *National Industry Skills Report*, May 2006, p. 6.

17 DEWR, *Workforce Tomorrow: Adapting to a More Diverse Australian Labour Market*, 2005, p. 3. See also Productivity Commission, *Economic Implications of an Ageing Australia*.

18 Ms Thomas, Chamber of Minerals and Energy, Western Australia, *Transcript of Evidence*, 20 April 2006, p. 37.

19 Women's Economic Policy Analysis Unit, Curtin University of Technology, Submission (No. 8) to the House of Representatives Standing Committee on Employment and Workplace Relations Inquiry into Increasing Participation in Paid Work, 2003, p. 5.

emphasised by a number of witnesses. For example, Engineers Australia commented that:

... the value of educating and developing the skills of Australians must not be overlooked when the option of taking on large numbers of skilled migrants to overcome skill shortages may be seen as an expedient alternative. While continuing to facilitate skilled migration, it is imperative that the Australian government also make an undertaking to increase the education and training opportunities for Australians ...<sup>20</sup>

- 1.29 While the issue of local training is outside the terms of reference for this inquiry, the Committee acknowledges the validity of points raised in this area. There needs to be a strong commitment to the training of people in Australia, as a long term investment in Australia's future. There is also a role for government to support Australian industry in responding to immediate skills shortages through the migration program.
- 1.30 Issues concerning the broader goals of the migration program and domestic employment conditions and remuneration are similarly outside the Committee's terms of reference, as are issues relating to proposals for semi-skilled workers.

## Skills in demand

- 1.31 As the Committee was asked to inquire into overseas skills recognition, upgrading and licensing, it is important to clarify what is meant by 'skills' in this context. The Committee took this term to encompass looking at the recognition process for overseas qualifications – educational attainment represents a measure of skill – through the various Australian assessment and licensing bodies and at several other skills sets that play an important role in this process. These include English language skills, work experience (local and offshore) and qualifications gained in Australia.

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20 Mr Taylor, Engineers Australia, *Transcript of Evidence*, 27 February 2006, p. 18. For a range of comments in this area, see, for example, Ms Thomas, Chamber of Minerals and Energy, Western Australia, *Transcript of Evidence*, 20 April 2006, pp. 34-35; Mr Boyd-Boland, Australian Dental Association, *Transcript of Evidence*, 23 November 2005, p. 62; Australian Council of Trade Unions, *Submission No. 56*, pp. 2-3; and Construction, Forestry, Mining and Energy Union, *Submission No. 11*, p. 6.

- 1.32 In terms of English language skills, for example, Australian research consistently highlights the importance of English proficiency to the labour market outcomes of skilled migrants to Australia. Local work experience also plays a role in improving employer acceptance of overseas qualifications.
- 1.33 Similarly, it is important to clarify what is meant by 'skilled' as opposed to 'unskilled'. As DIMA commented, the Australian Standard Classification of Occupations (ASCO) system classifies all occupations into nine broad categories:
- The top four categories are generally regarded as skilled: that is, professionals, paraprofessionals, tradesmen and managers. Categories 5, 6 and 7 are generally regarded as semiskilled and categories 8 and 9 are generally regarded as unskilled.<sup>21</sup>
- 1.34 The Committee therefore focused largely on categories 1 to 4.

## Occupations in demand

- 1.35 In terms of the occupations in demand, as DEWR have commented:
- There are already skill shortages emerging in most Trades – shortages of Engineering/Metal, Wood and Automotive Tradespersons, and Chefs and Cooks have been evident for over ten years and there are also shortages in some construction trades. Skill shortages for Professionals are evident in the health sector, for Registered Nurses and Health Specialists (such as Physiotherapists). There are also national skill shortages for Accountants, Child Care Workers and Civil Engineers.<sup>22</sup>
- 1.36 The MODL lists occupations and specialisations identified by DEWR as being in ongoing national shortage and in demand for migration. There are over 80 occupations currently listed on the MODL. More detail on the operation of the MODL is provided in Chapter 2.
- 1.37 During the inquiry, the Committee heard from state and territory government representatives about skills shortages across many sectors:
- Our shortages are broadly similar to those of the country as a whole. We need people in the construction related trades in

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21 Mr Rizvi, DIMA, *Transcript of Evidence*, 5 September 2005, p. 5.

22 DEWR, *Workforce Tomorrow*, p. 3.

particular – plumbers, bricklayers, carpenters, joiners and electricians, and the list goes on. Related to that we certainly need civil engineers and people in the metal trades, automotive trades and mechanical trades. We need medical personnel of all persuasions, chefs, some hospitality workers and some teachers in specialised areas, particularly science and mathematics.<sup>23</sup>

- 1.38 Similarly, the local government sector has growing skills shortages, particularly in engineering and planning. As the Western Australian Local Government Association stated:

On our visits in the last few months, the first thing on the agenda for every council is skills shortages ... what they are doing and how they can address that.<sup>24</sup>

- 1.39 Skills shortages are particularly acute in certain locations and sectors. For example, the supply of dentists per 100,000 people in rural and remote locations is often less than half the Australian average.<sup>25</sup>
- 1.40 The Committee was advised by the Chamber of Minerals and Energy, WA, the peak resources industry representative in the state, that skills shortages in the resources sector in Western Australia are particularly acute – see Figure 1.3.

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23 Mr McHugh, Department of Economic Development, Tasmania, *Transcript of Evidence*, 27 February 2006, p. 3. See also Ms Jeremic, Training and Skills Commission, South Australia, *Transcript of Evidence*, 14 November 2005, p. 19.

24 Ms Burges, Western Australian Local Government Association, *Transcript of Evidence*, 20 April 2006, p. 41. See also Planning Institute Australia on shortages in the planning profession, *Submission No. 14*, and the Australian Licensed Aircraft Engineers Association on shortages of aircraft maintenance engineers, *Submission No. 68*.

25 Australian Dental Association, *Submission No. 29*, p. 6.

Figure 1.3 Skills shortages in the WA resources sector<sup>26</sup>

The combination of favourable economic conditions, low unemployment, population ageing and major growth within the sector has created a major skills shortage. Ms Thomas from the Chamber of Minerals and Energy, WA, stated that the problem 'is probably going to get more challenging before it gets easier':

All industries are now stating that the skills shortage is one of the critical issues that they need to deal with ... it is the number one item at this point in time. When you have large enterprises stating that the skills shortage is a significant issue, the impact on smaller entities and SMEs below them is even greater.

The minerals and energy sectors are 'significant utilisers of skilled migration':

Given the current economic environment and the number of projects which are both active at the moment and pending over the coming years, we anticipate that the need for skilled migration for the resources sector will be a continuation of a domination in looking at addressing skills issues.

In terms of specific areas of shortage, Ms Thomas noted:

... shortages are within both the trades and the technical engineering positions, covering all the components. In the trades positions we have shortages currently and anticipated into the future, particularly of electricians, diesel fitters and diesel mechanics, operators, process operators and the like ... We also have significant shortages of mining engineers, metallurgists and geologists and in the technical roles which are utilised on the facilities.

At present, the major source countries for skills in demand in the resources sector in WA were identified as the 'traditional markets': the US, the UK and South Africa. However, Ms Thomas commented:

We are obviously recognising that they are significant markets for many other countries and that they also have existing skills shortage requirements, so we are working with industry to expand their depth and breadth. We have been to India with DIMA twice. Industry is also planning on going to Manila, particularly to look at people with trade skills.

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26 Ms Thomas, Chamber of Minerals and Energy, Western Australia, *Transcript of Evidence*, 20 April 2006, pp. 30-32.



## Regional issues

- 1.41 The Committee reviewed of state specific migration mechanisms in September 2001 and commented on the problem facing regional areas:

Equitable social and economic development of Australia has long been a concern for policy makers. One difficulty in realising this aim had arisen from the disproportionate attraction that the metropolitan areas exert on people compared with that of what is often called regional Australia. Australia's capital cities and their hinterlands have expanded while regional Australia has grown less quickly or has lost population.<sup>27</sup>

- 1.42 State specific and regional migration schemes – including the Skilled Independent Regional (Provisional) (SIR) Visa, the Regional Sponsored Migration Scheme and the State and Territory Nominated Independent Scheme – seek to attract skilled migrants to regional areas where employers have been unable to fill skilled vacancies through the local labour market. State and territory government representatives spoke about the success of such schemes:

Australia's Skilled Migration programs, particularly those which focus on regional Australia, are valued by the Northern Territory as they provide flexibility to access skills which are not available within the local labour force.<sup>28</sup>

- 1.43 In 2004-05, 18,700 visas were granted under the state specific and regional migration schemes, an increase on the 12,720 visas granted the previous financial year.<sup>29</sup> While the numbers of regional skilled migrants are rising, the Committee heard that many regional areas still require large numbers of skilled workers.<sup>30</sup>

- 1.44 COAG agreed to establish a new Commonwealth regional program in collaboration with the states and territories, which commenced in July 2006, to identify solutions to labour market needs in the regions,

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27 Joint Standing Committee on Migration, *New Faces, New Places: Review of State Specific Migration Mechanisms*, September 2001, p. ix.

28 Northern Territory Government, *Submission No. 93*, p. 3.

29 DIMIA, *Annual Report 2004-05*, p. 36.

30 See, for example, Goldfields Esperance Development Commission, *Submission No. 38*; Mr McHugh, Department of Economic Development, Tasmania, *Transcript of Evidence*, 27 February 2006, p. 3; and Northern Territory Government, *Submission No. 93*.

including coordination of labour market information so as to better understand the extent and location of skills shortages.<sup>31</sup>

1.45 Regional settlement adds another dimension to overseas skills recognition in terms of skills upgrading issues and access to support services. DIMA has stated, for example, that 'the Australian Government is committed to increasing the settlement of entrants under both Humanitarian and Migration programs in regional locations' to decrease pressure on major cities, contribute to the development of regional towns and address labour shortages in these areas.<sup>32</sup>

1.46 The issue of regional migration programs and the need to maintain rigorous overseas skills recognition processes was also raised with the Committee:

... where regional programs exist and you do not monitor integrity, people tend to use the soft entry point as a gateway to somewhere else.<sup>33</sup>

## Statistics, demographics and trends

### Source countries

1.47 Over the 1950s and 1960s most migrants to Australia came from the UK, Ireland and Europe. In 2004 the largest source country of migrants to Australia was still the UK but significant numbers of migrants also came from Asia:

The increase in immigrants from China and India representing about 17 per cent of total permanent and long-term arrivals in 2004.<sup>34</sup>

1.48 As one witness highlighted, Australia needs to have arrangements in place to undertake skills recognition for people from a broader range of source countries than might have been the case previously:

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31 COAG, *Communique*, 10 February 2006, <http://www.coag.gov.au/meetings/100206/index.htm#attach> (accessed 25 July 2006).

32 DIMA, *Refugee and Humanitarian Issues: Australia's Response*, June 2005, p. 43.

33 Mrs Cunningham, Department of Business, Economic and Regional Development, Northern Territory, *Transcript of Evidence*, 14 November 2005, p. 7.

34 Productivity Commission, *Economic Impacts of Migration and Population Growth*, p. 26.

I think one of the challenges for Australia in the future is where we will source our skilled migrants, because it is very plain that our traditional sources of migrants in the trades area – places like England and Ireland, Canada and the USA – are going to dry up very rapidly. I think we are going to be faced with how to assess and upgrade the skills of people from other source countries to be able to meet the needs in the future.<sup>35</sup>

## Utilisation of migrant skills: Longitudinal Survey of Immigrants to Australia

- 1.49 DIMA has tracked the labour market experiences of migrants through a number of surveys, including the Longitudinal Survey of Immigrants to Australia (LSIA).
- 1.50 The LSIA is a comprehensive survey of migrants to Australia.<sup>36</sup> The LSIA provides government and other agencies with reliable data to monitor and improve immigration and settlement policies, programs and services. Information is gathered on areas such as employment outcomes for migrants, improvements in English language proficiency and the use of settlement services.
- 1.51 Longitudinal surveys collect data from the same individuals at different times over an extended period. The LSIA is currently surveying migrants who arrived in Australia between September 1993 and August 1995 (LSIA1); September 1999 and August 2000 (LSIA2); and December 2004 and January 2005 (LSIA3).
- 1.52 There have been many reports published on the LSIA research.<sup>37</sup> Of interest to the Committee here is the information relating to utilisation of migrant skills – migrants obtaining employment that matches/recognises their qualifications. This area is significant because of the economic and social impacts if migrant skills are not being fully utilised.

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35 Mrs Cunningham, Department of Business, Economic and Regional Development, Northern Territory, *Transcript of Evidence*, 14 November 2005, p. 10.

36 See DIMA website, <http://www.immi.gov.au/media/research/lsia/index.htm> (accessed 25 July 2006). Results from the survey are listed on the LSIA publications page.

37 See, for example, S. Richardson, S. Stack, L. Lester, J. Healy, D. Ilsley and J. Horrocks, *The Changing Labour Force Experience of New Migrants: Inter-Wave Comparisons for Cohort 1 and 2 of the LSIA*, Report to DIMIA, National Institute of Labour Studies, Flinders University, June 2004. Other recent reports that have drawn on LSIA data include Birrell et al, *Evaluation of the General Skilled Migration Categories*.

1.53 During the inquiry, the Committee heard from DIMA that the LSIA had confirmed that:

... while employment rates and real income levels of recent skilled migrants have improved significantly compared to those of earlier cohorts in the same categories, a number of skilled migrants are in jobs that do not match their qualifications or in jobs that do not recognise their qualifications. The data indicate that, for example, 20 per cent of skilled independent migrants and their migrating spouses do not use their qualifications in Australia, compared to only eight per cent not using their qualifications in their home countries.<sup>38</sup>

1.54 The major reasons identified by DIMA for this included 'difficulties after arrival in getting a licence in the particular skill that they have' and that 'Australian employers, in some parts of Australia, remain sceptical and perhaps risk averse in hiring people with skills from overseas'.<sup>39</sup>

1.55 DIMA also commented that:

... 20 per cent not using their skills is a waste – it is a waste for the individual, it is a waste for the economy and it is a waste for Australia's budget – and anything we could do to get that 20 per cent figure reduced would be worth while pursuing.<sup>40</sup>

1.56 Similarly, the Western Australian Government commented that there is 'significant evidence' that the 'skills, knowledge and expertise of migrants are not being maximised, resulting in high unemployment and wasted resources'.<sup>41</sup>

1.57 DIMA noted that some of the 'contributing factors to the downward occupational mobility of skilled migrants after arrival in Australia' relate to overseas skills recognition issues:

- Recognition of overseas skills for employment purposes
- Recognition of overseas work experience
- Different licensing and registration requirements in States and Territories

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38 Mr Rizvi, DIMA, *Transcript of Evidence*, 5 September 2005, pp. 2-3.

39 Mr Rizvi, DIMA, *Transcript of Evidence*, 5 September 2005, p. 13.

40 Mr Rizvi, DIMA, *Transcript of Evidence*, 5 September 2005, p. 13.

41 Western Australian Government, *Submission No. 16*, p. 4.

- Lack of local work experience, in particular training for use of technology in the workplace
- Registration/licensing requirements regarding entry to the labour market of some professions and trades
- Real or perceived English language proficiency shortfalls
- Perceived attitudes, behavioural and performative traits of qualified/skilled migrants by employers.<sup>42</sup>

## Labour market outcomes

- 1.58 According to DIMA information, in August 2005 the trend unemployment rate for Australia was five per cent, but unemployment rates for recently arrived migrants tended to be much higher. Migrants who arrived in the period from January 2001 to August 2005 had an estimated unemployment rate of 9.2 per cent. Of these, migrants born in the main English-speaking countries had an unemployment rate of 5.6 per cent, while those born in other countries had a rate of 11.4 per cent.<sup>43</sup>
- 1.59 Generally, migrants who have had more time to settle in Australia have lower unemployment rates. Similarly, those who enter Australia under the skills stream have lower unemployment rates than those entering under other categories.
- 1.60 Analysis of LSIA data shows that unemployment rates vary according to migration category. Table 1.2 summarises the unemployment rates of LSIA2 migrants, for example, at six and 18 months after arrival in Australia. Family stream and humanitarian entrants have higher unemployment rates than skills stream migrants.
- 1.61 Research by the National Institute of Labour Studies shows that the labour market performance of skilled migrants has improved significantly in recent years.<sup>44</sup> LSIA2 migrants had significantly better labour market outcomes than LSIA1 migrants. For example, after six months the unemployment rate of LSIA2 migrants was half that of LSIA1 migrants (from 21 per cent to 10 per cent). The better labour market outcomes of LSIA2 migrants was 'mainly due to the

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42 DIMA, Submission (No. 22) to the Productivity Commission study into the economic impacts of migration and population growth, 29 September 2005, <http://www.pc.gov.au/study/migrationandpopulation/subs/sub022.rtf> (accessed 25 July 2006).

43 DIMA, *General Skilled Migration*, Booklet No. 6, March 2006, p. 44.

44 S. Richardson et al, *The Changing Labour Force Experience of New Migrants: Interwave Comparisons for Cohort 1 and 2 of the LSIA*, p. 1. The employment experience of migrants has been extensively researched.

introduction of higher skill, age and English language requirements for points tested applicants'.<sup>45</sup>

1.62 More recently, DIMA indicated to the Committee that the results of the first wave of responses to LSIA3:

... confirm that the major improvements that occurred following the reforms to the Migration Program evidenced in LSIA2 have been sustained. For example, 8% of skilled principal applicants in wave 1 of LSIA3 were unemployed compared with 10% in LSIA2 (migrants entering in 1999-2000) and 21% in LSIA1 (migrants entering in 1993-94).<sup>46</sup>

1.63 As DIMA stated, 'whereas OECD countries are mostly worried that the employment experiences of migrants to their countries are getting worse, as a general rule in Australia the employment experiences of migrants are actually improving', and some of this positive development can be attributed to 'our immigration selection criteria, the settlement support services we give our migrants and our procedures for the recognition of overseas qualifications'.<sup>47</sup>

Table 1.2 LSIA2 unemployment rates by migration category—principal applicants

Migrant Categories	Six months after arrival	18 months after arrival
<i>Skill Stream</i>		
Business skills	8%	0%
Employer Nomination Scheme	0%	0%
Independent	8%	7%
Skilled Australia Sponsored	21%	6%
<i>Other Streams</i>		
Family	22%	13%
Humanitarian	71%	43%

Source DIMA, 'Migrant Labour Market Outcomes', Fact sheet No. 14, April 2005, <http://www.immi.gov.au/media/fact-sheets/14labour.htm> (accessed 25 July 2006).

45 DIMA, 'Migrant Labour Market Outcomes', Fact sheet No. 14, April 2005, <http://www.immi.gov.au/media/fact-sheets/14labour.htm> (accessed 25 July 2006).

46 DIMA, *Submission No. 80b*, p. 2.

47 Mr Rizvi, DIMA, *Transcript of Evidence*, 5 September 2005, p. 2.

- 1.64 The Committee commends DIMA on its LSIA research. The Committee was also interested to hear about DIMA's new initiative to link immigration data with census data to provide a longer term view of the progress of new migrants:

Immigration data on migrants entering Australia from 2000 has been sent to the ABS which is now examining the data in preparation for a trial match against data from the census "dress rehearsal" which should take place in July/August 2006. If successful, the real match of immigration data against a sample of 5% of the 2006 census will take place in mid-2007, with results being available for use as soon as possible after that. It should be emphasised that the results of this exercise will be statistical only ie the names and any other identifying information will be stripped from the data before the ABS releases it to DIMA.<sup>48</sup>

- 1.65 The Committee recognises the importance of such research and believes that, if possible, there should be enhanced data collection on migrant utilisation of overseas qualifications and other indicators of the effectiveness of skills recognition processes.

### **Recommendation 1**

- 1.66 **The Committee recommends that, as part of its long term research on migration outcomes, the Department of Immigration and Multicultural Affairs collect enhanced data on migrant utilisation of overseas qualifications and other indicators of the effectiveness of overseas skills recognition processes.**

### **Migration statistics for groups requiring skills recognition**

- 1.67 Table 1.3 provides a breakdown of the different groups requiring skills recognition, as listed in the Committee's terms of reference, cross-referenced against the relevant migration program for that group. Any difficulties being experienced by these groups in overseas skills recognition, upgrading and licensing could have a significant economic and social impact, given the numbers involved. The number of visas granted in 2004-05 for each program across different visa categories is set out in Tables 1.4-1.8.

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48 DIMA, *Submission No. 80b*, p. 2.

Table 1.3 Breakdown of groups seeking overseas skills recognition

Group seeking overseas skills recognition (as listed in Committee's terms of reference)	Migration program
Skills stream migrants	General Skilled Migration program <ul style="list-style-type: none"> <li>• Skilled—Independent categories</li> <li>• Skilled—Australian Sponsored categories</li> <li>• Skilled—Designated Area Sponsored categories</li> <li>• Other categories</li> </ul> Employer Sponsored Migration program <ul style="list-style-type: none"> <li>• Employer Nomination Scheme</li> <li>• Regional Sponsored Migration Scheme</li> <li>• Labour Agreement</li> </ul>
Families of skill stream migrants	n/a <sup>49</sup> <ul style="list-style-type: none"> <li>• partners, parents<sup>a</sup>, other family<sup>a</sup>, children<sup>b</sup></li> </ul>
Family stream migrants	Family Stream program <ul style="list-style-type: none"> <li>• partners, parents<sup>a</sup>, other family<sup>a</sup>, children<sup>b</sup></li> </ul>
Humanitarian entrants	Humanitarian program <sup>a</sup>
Temporary residents	Temporary program <sup>50</sup> <ul style="list-style-type: none"> <li>• Temporary Medical Practitioner</li> <li>• Temporary Business (Long Stay)</li> <li>• Educational</li> <li>• Working Holiday Maker</li> <li>• Student (with work rights)</li> <li>• Onshore Temporary Protection</li> <li>• other<sup>51</sup></li> </ul>
Australian citizens with overseas qualifications	n/a

<sup>a</sup> Some individuals in these groups may not require skills recognition (eg not of working age and/or not intending to work in Australia)

<sup>b</sup> Do not require overseas skills recognition (eg not of working age)

49 Skill stream migrants (classified as principal applicants) under the General Skilled Migration and Employer Sponsored Migration programs can include a partner, dependent children, parents and other family (classified as secondary applicants) in their application. Family members of skills stream migrants are included in the numbers for skills stream migrants, unless otherwise indicated.

50 Under some visa categories, temporary residents can include family members in their application and in some circumstances these individuals may have work rights—for example, family members of visa holders under the Temporary Business (Long Stay) visa (see DIMA, *Sponsoring a Temporary Overseas Employee to Australia*, Booklet No. 11, November 2005, p. 8). The skills recognition issues facing this group are broadly similar to those facing families of skills stream migrants, noting that there may be some additional complications in them working on a temporary basis.

51 Other temporary visa categories are not discussed in this report as they do not generally involve skills recognition issues—that is, the individual is not intending or entitled to work (for example, tourists).



Table 1.4 Visa categories and visas granted 2004-05

Visa category	No.
Skills stream <sup>52</sup>	77 880
Family stream	41 740
Special eligibility	450
Humanitarian	13 180
NZ migrants	22 380
Temporary <sup>53</sup>	3 960 690
<b>Total</b>	<b>4 116 320</b>

Source Productivity Commission, *Economic Impacts of Migration and Population Growth*, p. 214.

Table 1.5 Skills stream visa categories and visas granted 2004-05

Visa category	No.
<b><i>General Skilled Migration</i></b>	<b><i>59 850</i></b>
Skilled Independent	41 180
• Other	26 970
• Overseas student	14 210
Skilled Australian Sponsored and Designated Area Sponsored	14 530
• Other	13 510
• Overseas student	1 020
State/Regional Sponsored	4 140
• Skilled Independent Regional	1 440
• State/Territory Nominated	2 700
<b><i>Employer Sponsored Migration</i></b>	<b><i>13 020</i></b>
Employer Nomination Scheme	8 430
Regional Sponsored Migration Scheme	3 170
Labour Agreements	1 410
Invest Australia Supported Skills Program	20
<b><i>Business Skills</i></b>	<b><i>4 820</i></b>
<b><i>Distinguished Talent</i></b>	<b><i>190</i></b>
<b>Total</b>	<b>77 880</b>

Source Productivity Commission, *Economic Impacts of Migration and Population Growth*, p. 219.

1.68 Skills stream visas represented some 60 per cent of the visas granted in 2004-05 across the skills stream, family stream and humanitarian

52 As discussed, this figure includes secondary applicants – that is, family members of skills stream migrants. See DIMA, 'Overview of Skilled Migration to Australia', Fact sheet No. 24.

53 The number of visas here comprises mostly tourist visas, see Table 1.8.

programs. An additional 20,000 places was allocated to the skills stream program in 2005-06.<sup>54</sup>

- 1.69 It is important to note that, unless it is indicated otherwise, family members of skills stream migrants, such as partners and children, are included in DIMA skills stream figures. Family members of skills stream migrants are classified as 'secondary' applicants accompanying the primary applicant. One estimate is that secondary applicants represented approximately 50 per cent of skills stream migrants in 2004-05.<sup>55</sup> Table 1.6 provides some indication of the numbers of principal and secondary applicants for a range of skills stream visas.
- 1.70 Secondary applicants do not necessarily have the same skill levels as principal applicants but can still be highly skilled. However, the Committee notes that the term 'skills stream' is somewhat confusing in that it includes secondary applicants who 'are not necessarily direct contributors to the labour market ... as might be assumed by the label of "skilled" ... for the stream'.<sup>56</sup>
- 1.71 Taken together, family members of skills stream migrants and family stream migrants represent a sizeable group. The planned level for the family stream in 2005-06 is 45,000.<sup>57</sup> Family stream migrants may also be highly skilled:
- ... a higher proportion of immigrants entering under the family stream between 2000 and 2004 had post-school qualifications than did the Australian-born population.<sup>58</sup>
- 1.72 Generally, individuals in these groups seek skills recognition on arrival in Australia. The same generally applies to humanitarian entrants. Skills recognition pathways for each of these groups have arguably not received much attention from policy makers to date, given that there is no formal requirement for pre-migration skills recognition.

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54 DIMA, 'Overview of Skilled Migration to Australia', Fact sheet No. 24, August 2005, [http://www.immi.gov.au/media/fact-sheets/24overview\\_skilled.htm](http://www.immi.gov.au/media/fact-sheets/24overview_skilled.htm) (accessed 25 July 2006).

55 Productivity Commission, *Economic Impacts of Migration and Population Growth*, p. 283.

56 Birrell et al, *Evaluation of the General Skilled Migration Categories*, p. 230.

57 DIMA, 'Overview of Family Stream Migration', Fact sheet No. 29, March 2006, [http://www.immi.gov.au/media/fact-sheets/29overview\\_family.htm](http://www.immi.gov.au/media/fact-sheets/29overview_family.htm) (accessed 25 July 2006).

58 Productivity Commission, *Economic Impacts of Migration and Population Growth*, p. 50.

1.73 Temporary residents may similarly face difficulties with skills recognition, particularly if there are licensing or registration requirements for their occupation.

Table 1.6 Skills stream visas granted 2004-05 (principal and secondary applicants)

Visa category	Visas granted 2004-05		
	<i>Principal applicants</i>	<i>Secondary applicants</i>	<i>Total</i>
Skilled—Independent (subclasses 136, 880, 134)	24 888 (Of which student 880 visa is 12,978)	16 426	49 200
Skilled—Australian Sponsored (subclasses 138, 139, 881, 882)	6 244 (Of which student 881 visa is 855 and student 882 visa is 608)	8 271	14 515
State/Regional Sponsored (subclasses 495 and 137)	1 527	2 445	3 972
Total	32 659 (without students totals 18,218)	27 145	59 804

Source Birrell et al, *Evaluation of the General Skilled Migration Categories*, p. 10, p. 29, p. 43 and p. 51.

Table 1.7 Family stream visa categories and visas granted 2004-05

Visa category	No.
<i>Partner</i>	<b>33 060</b>
Spouse	27 120
Prospective marriage (fiance)	5 440
Interdependency	500
<i>Parents</i>	<b>4 500</b>
Contributory	3 500
Non-contributory	1 000
<i>Child</i>	<b>2 490</b>
<i>Preferential/other family</i>	<b>1 690</b>
Total	41 740

Source Productivity Commission, *Economic Impacts of Migration and Population Growth*, p. 220.

Table 1.8 Temporary visa categories and visas granted 2004-05

Visa category	No.
<i>Overseas students</i>	174 790
<i>Business long stay</i>	49 860
<i>Working Holiday makers</i>	104 350
<i>Medical practitioner</i>	6 310
<i>Educational</i>	230
<i>Social/cultural events</i>	25 360
<i>International relations</i>	10 840
<i>Visitors</i>	3 588 950
Tourists	3 234 930
Business visitors	339 420
Sponsored family visitor	10 660
Medical treatment	3 940
<b>Total</b>	<b>3 960 690</b>

Source Productivity Commission, *Economic Impacts of Migration and Population Growth*, p. 223.

## Groups requiring skills recognition

1.74 The terms of reference for the inquiry require the Committee to, firstly:

Investigate and report on current arrangements for overseas skills recognition and associated issues of licensing and registration for:

- Skills stream migrants who obtain assessment prior to migrating;
- Families of skill stream migrants, family stream migrants and humanitarian entrants who seek assessment/registration/upgrading after arrival;
- Temporary residents who need skills assessment/recognition; and
- Australian citizens returning after significant time overseas, with overseas qualifications.

1.75 While skills stream migrants clearly represent a major skills source for Australia, families of skills stream migrants, family stream migrants, humanitarian entrants, temporary residents and Australian citizens who have trained offshore represent other important sources of skills. Each of these groups requires some form of overseas skills

recognition, whether pre-migration or post-arrival, but each group faces slightly different issues.

- 1.76 Humanitarian entrants and some families of skills stream migrants and family stream migrants can face additional barriers to overseas skills recognition through lower levels of English language proficiency and the costs and time involved in seeking skills recognition while managing other aspects of early settlement.
- 1.77 It is important to further clarify what is meant by the terms 'skills stream migrants', 'family stream migrants', 'temporary residents' and so on. The series of fact sheets and booklets about migration to Australia<sup>59</sup> and other information available on the DIMA website provide the best reference source in further defining these different groups and understanding the different visa categories involved.

## Skills stream migrants

- 1.78 Skills stream migrants may enter Australia under the General Skilled Migration (GSM) program or the Employer Sponsored Migration (ESM) program. There are 12 GSM visas<sup>60</sup> and three different Employer Sponsored Migration visas (see Table 1.9).

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59 As at June 2006, there were about 90 DIMA fact sheets providing background information on Australian immigration and related issues – see <http://www.immi.gov.au/media/fact-sheets/index.htm>. There were also eight *Migration Booklets* – see <http://www.immi.gov.au/allforms/booklets/booklets.htm> (accessed 25 July 2006).

60 Some of these visas are 'Australian sponsored', meaning that the applicant needs to be sponsored by a relative (parent, child, brother/sister, uncle/aunt, nephew/niece) who is an Australian citizen or permanent resident. These skilled family sponsored migrants are different from the category of 'family stream migrants', discussed below, which covers the 'family reunion' migration stream.

Table 1.9 Visa categories, visa subclasses and passmarks/poolmarks

Visa category	Visa subclass	Pass-mark	Pool-mark
<b>General Skilled Migration</b>			
• <b>Skilled—Independent categories</b>			
Skilled—Independent (offshore)	136	120	70
Skilled—Independent Overseas Student (onshore)	880	120	120
Skilled—Independent New Zealand Citizen (onshore)	861	120	120
• <b>Skilled—Australian Sponsored categories</b>			
Skilled—Australian Sponsored (offshore)	138	110	105
Skilled—Australian Sponsored Overseas Student (onshore)	881	110	110
Skilled—Australian Sponsored New Zealand Citizen (onshore)	862	110	110
• <b>Skilled—Designated Area Sponsored</b>			
Skilled—Designated Area Sponsored (offshore) <sup>61</sup>	139	n/a	n/a
Skilled—Designated Area Sponsored Overseas Student (onshore)	882	n/a	n/a
Skilled—Designated Area Sponsored New Zealand Citizen (onshore)	863	n/a	n/a
• <b>Other</b>			
Skilled—Independent Regional (Provisional) (onshore or offshore)	495	110	110
State/Territory Nominated Independent (offshore)	137	n/a	70
Skill Matching (offshore)	134	n/a	n/a
<b>Employer Sponsored Migration (onshore or offshore)</b>			
Employer Nomination Scheme	856, 121	n/a	n/a
Regional Sponsored Migration Scheme	857, 119	n/a	n/a
Labour Agreement	855, 120	n/a	n/a

*Source* The DIMA *General Skilled Migration* booklet (March 2006) sets out information on the each of these categories, excepting the onshore overseas student categories and the skilled Independent Regional visa (applicants for these visas are referred to the DIMA website). The DIMA *Employer Sponsored Migration* booklet (March 2006) sets out information on the three employer sponsored visas. The passmarks and poolmarks are sourced from the DIMA website.

## General Skilled Migration

- 1.79 Under the GSM program, visa applicants must have post-secondary professional or trade qualifications that have been assessed by an organisation in Australia, known as a skills assessing authority, as suitable for their nominated occupation.
- 1.80 For the information of skills stream migrants, the DIMA Australian Skills Recognition Information (ASRI) website states:

61 From mid 2006, this visa will change to a two-stage three-year provisional visa which can lead to permanent residence if the migrant lives for a minimum of two years and works or studies for at least one year in the designated area of the family sponsor – see Birrell et al, *Evaluation of the General Skilled Migration Categories*, p. 45.

Regardless of which General Skilled Migration visa you apply for, you must provide evidence that your skills have been assessed as suitable for your nominated occupation by the relevant assessing authority for your nominated occupation before your visa can be granted.<sup>62</sup>

- 1.81 The applicant's nominated occupation must be listed on the Skilled Occupation List (SOL) current at the time they apply.<sup>63</sup> The SOL includes approximately 450 occupations listed across four major groups: managers and administrators; professionals; associate professionals; and tradespeople and related workers.<sup>64</sup>
- 1.82 The list uses the ASCO system to determine titles and codes for a range of occupations and provides details of the relevant Australian organisation approved to assess a person's skills and qualifications for migration purposes for each occupation.
- 1.83 The SOL also states the number of points awarded to each occupation for the 'skill' part of the GSM points test. The points test applies to a range of visa categories under the GSM program. With the exception of the Skilled – Designated Area Sponsored and the Skill Matching visa classes, the points test is used to assess applicants against a range of skill related factors.
- 1.84 The number of points prescribed for each factor reflects its relative importance in the context of an applicant's potential contribution to Australia. The skill, age, English language, work experience and MODL components therefore earn the highest points. Other factors recognised include Australian qualifications, spouse skills, work experience obtained in Australia and fluency in a community language other than English.
- 1.85 Applicants must score sufficient points on the points test to reach the mark applicable to their visa subclass (see Table 1.9). The pass mark changes from time to time. Applications which achieve a score below the pass mark but above the pool mark are held in reserve for up to two years after assessment.

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62 DIMA website, <http://www.immi.gov.au/asri/background.htm> (accessed 25 July 2006).

63 However, the Sydney and Selected Areas Skilled Shortage List (SSASSL) applies to those applying for a Skilled-Australian Sponsored visa whose sponsor lives in Sydney and selected areas. The list provides details of skilled occupations in demand in Sydney, Gosford, Newcastle and Wollongong. All occupations on this list are also included on the SOL.

64 DIMA website, <http://www.immi.gov.au/allforms/pdf/1121i.pdf> (accessed 25 July 2006).

- 1.86 The MODL is a subset of the SOL. The only occupations eligible for the MODL are those designated as 60-point occupations on the SOL. The MODL lists occupations and specialisations identified by DEWR as being in ongoing national shortage.<sup>65</sup> A visa applicant receives extra points on the points test (over and above the 60 points) if their nominated occupation is on the MODL. The MODL is now reviewed twice a year to take into consideration existing and emerging skills shortages.
- 1.87 Unlike most of the other groups requiring skills recognition, skills stream migrants under the GSM program require pre-migration skills assessment, in this case formally through the assessing authorities. Overseas students who have gained Australian qualifications are still required to obtain a skills assessment to qualify for the GSM. The DIMA website states that to lodge a valid application for one of the following visa categories,
- Skilled – Independent Overseas Student (subclass 880);
  - Skilled – Australian Sponsored Overseas Student (subclass 881);  
and
  - Skilled – Designated Area Sponsored Overseas Student (subclass 882):  
  
... you need to obtain a skills assessment. This is an evaluation of your qualifications to make sure that you are sufficiently qualified for your nominated occupation. ... To lodge a valid application, the skills assessment must be performed by the approved Australian assessing body for your nominated skilled occupation.<sup>66</sup>
- 1.88 If an applicant for one of the three skilled student visas has completed an Australian qualification that qualifies them for the occupation they have nominated for migration purposes, the question arises: do they still need to have their skills assessed by an assessing authority and, if so, why, given that they have an appropriate Australian qualification? This is discussed in more detail in the following section.

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65 DIMA website, <http://www.immi.gov.au/skilled/general-skilled-migration/skilled-occupations/occupations-in-demand.htm> (accessed 25 July 2006).

66 DIMA website: <http://immi.gov.au/skilled/general-skilled-migration/880/eligibility-skills-assessment.htm> (accessed 4 August 2006).



- 1.89 Skills stream migrants under the GSM program also need to meet licensing and registration requirements. As DIMA emphasises for the information of applicants under the GSM program:

Once you have had your skills assessed and visa granted this does not necessarily mean you can practise or be employed in your occupation in a particular state or territory of Australia. Some states have particular licensing or registration requirements for a number of occupations.<sup>67</sup>

- 1.90 Further, applicants are informed that they may need to demonstrate eligibility 'for membership of a professional or industry organisation'.<sup>68</sup> English language proficiency and work experience requirements also vary across visa categories under the GSM program.

#### Assessment of Australian qualifications

- 1.91 The Committee was surprised to discover that skills stream migrants with Australian qualifications still need to have those qualifications assessed for migration purposes by assessing authorities. In a submission from the South Australian Government, it was noted that:

The Commonwealth currently requires overseas students studying in Australia to have their Australian qualifications assessed if they wish to apply for permanent residency. This involves a financial cost and lengthens the time taken to assess their migration applications. This represents an unnecessary barrier for this group of potential migrants and should be removed.<sup>69</sup>

- 1.92 The Committee noted that this potentially affected over 14,000 student visa applicants in 2004-2005 (see Table 1.6). This was confirmed in evidence from DIMA, who advised that:

Last year we visaed something like 16,000 overseas students as permanent residents. They completed their studies and converted to permanent residence.<sup>70</sup>

- 1.93 This growth in skilled onshore visa applications has also been noted in other studies.<sup>71</sup> This is of importance for two reasons: firstly, that in

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67 DIMA website, <http://www.immi.gov.au/asri/background.htm> (accessed 6 June 2006).

68 DIMA, *General Skilled Migration*, Booklet No. 6, July 2006, p. 44.

69 South Australian Government, *Submission No. 94*, p. 2.

70 Mr Rizvi, DIMA, *Transcript of Evidence*, 5 September 2005, p. 9.

effect it reduces the number of GSM applicants requiring detailed pre-migration assessment of their qualifications; and, secondly, that there is a significant cost and time delay for those applying under the skilled onshore student visa category.

- 1.94 As set out in Table 1.6, when examining the number of applicants requiring skills assessment under the GSM program, it is only principal applicants that require assessment (accompanying family members do not require assessment). For 2004-05, there were 32,659 primary applicants requiring pre-migration assessment out of 59,804 under this category. When the student visa applicants are deducted from this total, this leaves some 18,218 applicants requiring detailed pre-migration assessment of their skills.
- 1.95 While the Committee acknowledges that it is necessary to determine if someone holds a qualification from an Australian institution in the field in which they are seeking migration approval, the level of checking and assessing is not as difficult as that required for overseas obtained qualifications. The Australian qualification would allow the individual to obtain registration or licensing from the appropriate authority (if necessary), as would occur for an Australian resident who has completed the same course. It does seem inequitable, therefore, that overseas students are required to apply for assessment, and pay broadly the same level of fees as applicants who hold overseas qualifications that might be more difficult to assess and compare.
- 1.96 The Committee notes Dr Birrell's finding that:
- Two occupations dominate the visa outcomes under the 880 visa subclass. In 2004-05 some 40 per cent of these visas were issued to persons nominating computing professional as their occupation and 31 per cent to persons who nominated accounting. To judge by university enrolment trends, the number and share of those nominating accounting in the 880 visa subclass is likely to escalate in the next couple of years. This is because accounting is now a MODL occupation and, as a consequence, an increasing proportion of overseas students are enrolling in accounting courses.<sup>72</sup>

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71 See, for example, Birrell et al, *Evaluation of the General Skilled Migration Categories*, p. 165, which notes that '[b]y 2004-05 there were more visas issued under the skilled onshore student visa subclass (880) than there were under the offshore skilled independent visa subclass (136)'.

72 Birrell et al, *Evaluation of the General Skilled Migration Categories*, p. 165.

- 1.97 The standard fee charged by the relevant assessing authorities for these professions<sup>73</sup> is \$350 for each assessment. On this basis approximately \$3.1 million is being charged each year, for assessing Australian qualifications. The Committee does not believe this to be a fair impost on students who have already contributed significantly to the Australian economy through payment for their courses, and who will also be facing the costs (as do Australian citizens and residents) associated with registration and licensing (where required).

## Recommendation 2

- 1.98 **The Committee recommends that the fee charged for assessing Australian qualifications for the purpose of independent overseas student and skilled Australian sponsored visas (subclasses 880, 881 and 882) be waived, where that qualification is sufficient in and of itself to allow the applicant to qualify for their profession or trade.**

### Employer Sponsored Migration program

- 1.99 The Employer Sponsored Migration (ESM) program has three parts: the Employer Nomination Scheme (ENS), the Regional Sponsored Migration Scheme (RSMS) and Labour Agreements (see Table 1.3).<sup>74</sup>
- 1.100 Similar to the GSM program, applicants under the ENS must have their qualifications assessed by an Australian assessing authority.<sup>75</sup> However, this requirement is waived under the ENS if the person has:
- worked full-time in Australia in the occupation for which they have been nominated for the last two years (and have spent at least the last year working for the employer who is nominating them); or
  - been nominated to fill a highly paid senior executive position with a salary of more than \$165,000 per annum (excluding superannuation or allowances).<sup>76</sup>
- 1.101 The applicant must also satisfy any mandatory licensing, registration or professional membership requirements.

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73 Certified Practicing Accountants of Australia, the National Institute of Accountants, the Institute of Chartered Accountants of Australia, and the Australian Computer Society.

74 See DIMA, *Employer Sponsored Migration*, Booklet No. 5, March 2006, pp. 11-23.

75 In addition, unless exceptional circumstances apply, they must also have three years post-qualification experience in their occupation. This may be waived, for example, if the nominee's occupation is on the MODL.

76 DIMA website, <http://www.immi.gov.au/skilled/skilled-workers/ens/eligibility-employee.htm> (accessed 26 July 2006).

- 1.102 The ENS enables Australian employers to recruit, on a permanent basis, highly skilled staff from overseas or temporary residents currently in Australia when they have been unable to fill a vacancy from within the Australian labour market or through their own training programs. Under the scheme, a visa applicant's nominated occupation must be listed on the Employer Nomination Scheme Occupation List.<sup>77</sup>
- 1.103 The RSMS enables employers in regional Australia to fill skilled positions they are unable to fill from the local labour market. The visa applicant must have relevant qualifications for the nominated position that are equivalent to at least an Australian diploma level and meet any mandatory licensing, registration or professional membership requirements.
- 1.104 Labour Agreements enable Australian employers to recruit, either permanently or temporarily,<sup>78</sup> a specified number of workers from overseas in response to identified or emerging labour market or skill shortages in the Australian labour market. The employer is required to provide DIMA with details of the qualifications and skills needed to satisfactorily perform the duties of the position. The nominee's visa application is then 'assessed' by DIMA to ensure that 'they have the qualifications, skills (including English language skills) and experience specified in the agreement'.<sup>79</sup>
- 1.105 It is unclear to the Committee whether this step involves a formal assessment by DIMA of the applicant's English language skills or whether DIMA simply relies on an employer's assertion that the applicant has adequate language skills for the position. As is set out in Chapter 7, the Committee makes a recommendation on this point with regard to Labour Agreements and Temporary Business (Long Stay) 457 visas.
- 1.106 Applicants under the ESM program therefore require skills assessment pre-migration. Similar to applicants under the GSM program, applicants under the ENS require formal skills assessment pre-migration through the assessing authorities – although if they meet either of the two criteria listed above for this scheme, this requirement is waived.
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77 DIMA website, <http://www.immi.gov.au/allforms/pdf/1121i.pdf> (accessed 25 July 2006).

78 Labour Agreements involving temporary residents are usually valid for 2-3 years and have similar requirements.

79 DIMA, *Employer Sponsored Migration*, Booklet No. 5, March 2006, p. 21.

- 1.107 DIMA stated that under the RSMS 'assessments are generally conducted by the relevant assessing body for the occupation where required'. Under Labour Agreements, DIMA stated that the applicants are 'expected to have qualifications and experience that are suitable for the agreed position and how that is determined can differ across occupations and industries'.<sup>80</sup>
- 1.108 The Committee believes that the actual process followed under these two programs to check that an applicant's overseas skills and qualifications are recognised in Australia could be more clearly set out in the relevant documentation and made more transparent.
- 1.109 If applicable, applicants under the three programs must also provide evidence from a relevant Australian registration or licensing authority that they will be able to meet necessary registration or licensing requirements. This is different from the process under the GSM program where, if applicable, migrants come up against licensing and registration requirements post-arrival rather than pre-migration.
- 1.110 The English language proficiency and work experience requirements vary across visa categories under these programs. For example, under the RSMS an applicant must have 'functional' English ability (such as an average International English Language Testing System band score of at least 4.5).<sup>81</sup> However, there are functional English exemptions under this scheme. Exceptional circumstances for functional English might be considered in the following cases:
- functional English is not essential to perform the full range of required duties for the position and
  - the transfer of skills to other Australian employees can still take place and
  - the employee is able to comply with Occupational Health and Safety (OH&S) requirements and
  - reasonable efforts have been made to recruit a suitably qualified person who does have Functional English and this was unsuccessful and
  - the employee has been working in the occupation in Australia for at least the 12 months prior to lodging the visa application and has received training in English during this period.<sup>82</sup>

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80 DIMA, *Submission No. 80*, p. 8.

81 DIMA, *Employer Sponsored Migration*, pp. 18-19.

82 DIMA website, <http://www.immi.gov.au/skilled/skilled-workers/rsms/exemptions.htm> (accessed 31 August 2006).

- 1.111 Primary applicants with less than functional English under the ENS, RSMS and Labour Agreements (including Regional Headquarters Agreement and the Invest Australia Supported Skills Program) incur a second instalment of the visa application charge (a cost of \$5,540).<sup>83</sup>

## Families of skills stream migrants

- 1.112 Skills stream migrants can include a partner in their application (as well as other relatives who are substantially reliant on the applicant for financial support for their basic needs).
- 1.113 There is no test for skills or language ability for family members of skilled stream migrants, as there is for the principal applicant, and therefore no requirement for pre-migration skills assessment.<sup>84</sup> Family members of skills stream migrants who wish to work in Australia therefore face a different challenge in that they generally seek skills recognition after their arrival in Australia. These individuals may also face licensing and skills upgrading issues on arrival in Australia. Other factors such as English language proficiency and local work experience similarly influence employment outcomes.

## Family stream migrants

- 1.114 The family stream of Australia's migration program enables the migration of immediate family members such as spouses and children as well as, under certain circumstances, parents and certain other members of extended families. Migrants in the family stream are selected on the basis of their family relationship with their sponsor — that is, a relative who is an Australian citizen or a permanent resident of Australia.
- 1.115 There are a number of visa categories applicable to family stream migrants but they are not discussed here as they do not impact on their skills recognition pathways. There is no requirement for skills assessment pre-migration for this group.
- 1.116 Like the families of skill stream migrants, family stream migrants who wish to work in Australia generally seek skills recognition after their arrival in Australia. Similarly, these individuals may also face

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83 DIMA website, <http://www.immi.gov.au/allforms/990i/employer-sponsored-permanent.htm> (accessed 31 August 2006).

84 However, as DIMA noted, family members of GSM skills stream migrants 'are advised that if they have an occupation on the Skilled Occupation List to consider having their skills assessed prior to moving to Australia,' DIMA, *Submission No. 80*, p. 8.

licensing and skills upgrading issues on arrival in Australia. Other factors such as English language proficiency and local work experience similarly influence employment outcomes.

## Humanitarian entrants

- 1.117 The Humanitarian program for refugees and others in humanitarian need comprises:
- an offshore component, with a refugee category and a Special Humanitarian Program category;<sup>85</sup> and
  - the onshore component, with a permanent protection visa category for people who arrive in Australia on a temporary visa and fulfil other criteria and a temporary protection/secondary movement visa category for people who arrive in Australia without a visa.
- 1.118 People granted permanent protection visas onshore or refugee and humanitarian visas offshore have the same entitlements as other Australian permanent residents, including work rights. Following two years of residence in Australia, such individuals can also apply for Australian citizenship.
- 1.119 Temporary protection visa holders have the same entitlements as other temporary residents, including work rights. Temporary protection visas provide for residence of three years in the first instance.
- 1.120 With the exception of people detained as unauthorised arrivals, protection visa applicants are granted a bridging visa which allows them to remain lawfully in Australia until their applications are finalised. A bridging visa may have work rights attached depending on individual circumstances. Onshore applicants who arrive lawfully may be granted a permanent visa.<sup>86</sup>
- 1.121 There is no pre-migration skills assessment for humanitarian entrants. As with families of skills stream migrants and family stream migrants, humanitarian entrants who wish to work in Australia seek skills recognition after their arrival in Australia, and also face the same licensing and skills upgrading issues in pursuing their

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85 Applications in this category must be supported by an Australian citizen or permanent resident or organisation operating in Australia.

86 Information on temporary protection visa holders taken from DIMA, *Refugee and Humanitarian Issues: Australia's Response*, June 2005, p. 20, p. 23 and p. 29.

occupation. Again, other factors such as English language proficiency and local work experience influence employment outcomes.

- 1.122 The Committee emphasises that humanitarian entrants may face some skills recognition difficulties not faced by entrants under other migration schemes due to a range of complex personal circumstances. For example, humanitarian entrants are more likely to arrive without documentary evidence of their qualifications. These issues are discussed further in Chapter 7.

## Temporary residents

- 1.123 There are a number of visa categories applicable to temporary residents. Of interest here are the following temporary visas with work rights:<sup>87</sup>
- Temporary Business (Long Stay) visa (subclass 457); and
  - Working Holiday Maker program.
- 1.124 There is no requirement for working holiday maker visa holders to seek pre-migration skills recognition. As with families of skills stream migrants, family stream migrants and humanitarian entrants, this group would be seeking skills recognition after arrival in Australia.
- 1.125 As with applicants under Labour Agreements and the RSMS, applicants under the other temporary visa category – Temporary Business (Long Stay) visa – may require pre-migration skills recognition.

## Temporary business (long stay)

- 1.126 Businesses unable to meet their skills needs from within the Australian labour force can sponsor personnel from overseas on a temporary basis to work in Australia for up to four years under the Temporary Business (Long Stay) 457 visa. The visa holder must not cease to be employed by the employer who sponsored them.

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87 Overseas students entering Australia under temporary student visas with work rights may only work a limited number of hours and predominantly work at the 'semi-skilled or unskilled level' (C. Shah and G. Burke, *Skilled Migration: Australia*, Monash University, December 2005, p. 13). Accordingly, skills recognition is not a major issue for this group and they are therefore not discussed in this section. Similarly, overseas trained doctors (OTDs) entering Australia under the temporary medical practitioners visa (subclass 422) are also excluded from this discussion as OTDs are now encouraged by DIMA to apply for a Temporary Business (Long Stay) visa instead.



1.127 The nomination must relate to an occupation that meets a minimum skills threshold covering managers and administrators, professionals, associate professionals, and trade and related workers.<sup>88</sup> On the advice of DEWR, occupations in these groups may be removed if there is an oversupply of people with these skills in Australia.

1.128 The person identified to fill the nominated vacancy:

... must satisfy the department [DIMA] that they have skills which match those required for the vacancy for which they have been nominated ...

A skill assessment of the visa applicant is not generally required. If, however, there are doubts about the visa applicant's skills and/or experience to fulfil the duties of the position, a skills assessment may be required. Where Australian registration or licensing is required to undertake the nominated position, applicants may be asked to provide evidence that they are eligible for the relevant registration or licence.

Medical practitioners are required to provide evidence of registration to practise in the state or territory in which they will be working ...<sup>89</sup>

1.129 Use of the 457 visa has become more widespread and has undergone some fine-tuning by the government:

Last year something in the order of 60,000 such visas were issued. Those visas allow a person to be in Australia from anywhere between three to four years, and they can then extend that visa if they wish. An important change that the government made earlier this year in respect of that visa was to say that, if someone has been in Australia on that visa for two years with a particular employer and that employer wishes to then retain them and there is agreement between the employer and the employee regarding permanent sponsorship, the employer can then automatically convert that to permanent resident after two years. That is essentially

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88 Regional employers may seek exemption from the minimum skill level if the nominated position is in a regional area of Australia. In this case, the employer must seek certification of the nomination by a Regional Certifying Body. Excluded occupations include apprentice/trainee positions and positions for elementary clerical, sales or service workers or labourers.

89 DIMA, *Sponsoring a Temporary Overseas Employee to Australia*, Booklet No. 11, November 2005, p. 18.

designed to try to streamline the process of converting those temporary entrants into permanent residents where the individual employee and employer agree that that is what they would like to do.<sup>90</sup>

- 1.130 Two issues arise with the 457 visa: the degree to which the skills of the applicant are assessed and the way in which their temporary residency status can be converted to permanent residency without further skills assessment.
- 1.131 As noted earlier, under the 457 visa, qualifications may be checked pre-migration through DIMA. DIMA advised that:
- Given the objective of quick, streamlined entry for the 457 visa, formal skills assessments are required only if the decision-maker believes they are not able to decide the application based upon the information provided in the application.
- In these cases, the applicant is directed to approach the relevant skills assessing authority for their occupation to obtain a formal *skilled migration* assessment (emphasis in original).<sup>91</sup>
- 1.132 Formal skills assessment is usually only required for professional and trade occupations for which state and territory registration or licensing requirements apply.
- 1.133 The Committee notes that the actual assessment process DIMA follows with regard to this visa class could be more clearly set out in the relevant documentation and made more transparent. In particular, the Committee is concerned about how DIMA determine whether 457 visa applicants have adequate English language skills.
- 1.134 Again, as with the Labour Agreements, it is unclear to the Committee whether DIMA relies on an employer's assertion that the applicant has adequate English language skills for the position or whether DIMA undertakes a formal assessment of the applicant's level of language skills. The Committee finds the lack of clarity and transparency in this process unsatisfactory, as is reflected in its recommendation on this area in Chapter 7.

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90 Mr Rizvi, DIMA, *Transcript of Evidence*, 5 September 2005, pp. 8-9.

91 DIMA, *Submission No. 80*, p. 5.

- 1.135 Others have argued that there should be skills assessments for all temporary 457 visa applicants. The Australian Computer Society advised the Committee that its research indicated that:

... many ICT temporary residents being sponsored into Australia are not providing skills that are considered in short supply within the ICT sector. Rather it would appear that the 457 program in particular is being used to provide the option of using overseas workers with limited job experience at a lower wage rate than employing Australian workers.

...

There should be skills assessments for temporary resident 457 visa applicants to verify skill sets and ensure that only skills in short supply are imported into Australia. For time critical applicants temporary entry could be granted with the sponsor having to repatriate the applicant should the skills assessment be unable to corroborate the asserted skills.<sup>92</sup>

- 1.136 DIMA defended the current system, advising that:

It is not quite correct to say that there is no skills assessment or review of that, particularly in regional areas where we have a regional certifying body process and where those bodies are gazetted by our minister but nominated by state and territory governments. Those certifying bodies may be chambers of commerce; they may be state governments. For example, it is the Attorney-General's Department in South Australia. Where the sponsor seeks to put people into regional areas at a salary lower than the minimum salary level or at a lower skill level, for example – I think we spoke last time about the ASCO classifications – when they are looking at ASCO 5, 6 or 7, then the regional certifying body has to certify that those people have the skills at that level and that those skills are needed. So there is a process of requiring those skills to be demonstrated. We have also tightened up our sponsorship approval process by seeking confirmation from potential sponsors that the skills are in fact to the level stated, and we have been doing a lot of work on that. We also think there is scope for improvement, and we are looking at

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92 Australian Computer Society, *Submission No. 61*, p. 5.

whether there is any scope for requiring further skills assessment, particularly offshore for the 457 visa holders.<sup>93</sup>

- 1.137 The conversion of 457 visa holders to permanent residents has implications for the GSM part of the skilled migration program:

We tend to manage it on the basis of priorities. If you are employer sponsored in the skills stream, that we view as the highest priority. If an employer has established that they want you, then clearly it has been established that that person is needed by the Australian economy, and so they will get priority. If large numbers of people transfer to employer sponsored migration, we would do all we could to accommodate those people. If necessary, that would mean squeezing down on, say, the skilled independent categories where you are not sponsored by anybody.<sup>94</sup>

- 1.138 The Committee notes that the use of 457 visas, and the ways in which the integrity of the program can be monitored, were discussed at the July 2006 COAG meeting. The COAG communique noted that such visa arrangements 'should not be at the expense of the employment and training of Australians' and that employers 'must meet appropriate and consistent Australian standards and demonstrate that they advance the skills of the Australian workforce'. COAG has asked the Ministerial Council on Immigration and Multicultural Affairs (MCIMA) 'to identify and implement cooperative measures to ensure the effectiveness, fairness and integrity of the temporary skilled migration arrangement, including appropriate and consistent minimum standards'. The MCIMA is to report to COAG on this matter in December 2006.<sup>95</sup>

### Working holiday maker program

- 1.139 The Working Holiday Maker 417 visa provides opportunities for people between 18 and 30 to holiday in Australia and supplement their travel funds through temporary employment. Australia has reciprocal working holiday maker arrangements in place with a number of countries.

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93 Mr Fox, DIMA, *Transcript of Evidence*, 27 March 2006, pp. 38-39.

94 Mr Rizvi, DIMA, *Transcript of Evidence*, 5 September 2005, p. 9.

95 COAG, *Communique*, 14 July 2005, <http://www.coag.gov.au/meetings/140706/index.htm> (accessed 25 July 2006), p. 16.

- 1.140 The Work and Holiday 462 visa provides opportunities for tertiary educated people aged 18 to 30 to holiday in Australia and supplement their travel funds through temporary employment. This visa arrangement is in place for people from Iran, Thailand, Chile, Turkey and Bangladesh.<sup>96</sup> There are also requirements for proof of English proficiency under this visa class.
- 1.141 Both visas allow a stay of up to 12 months from the date of first entry to Australia. Applicants can work with each employer for up to six months. The applicant's main reason for coming to Australia should be to holiday; any work they do should be to support themselves while they holiday. Applicants are permitted to do any kind of work of a temporary or casual nature. They are advised by DIMA that registration or licensing may be required for working in some occupations.
- 1.142 Figures for 2000 indicate that 78 per cent of Working Holiday Makers were involved in lower skilled work, with 10.9 per cent holding professional jobs (mostly nurses and then computing, physiotherapy and teaching) and three per cent trade jobs (mostly chefs).<sup>97</sup>

## Australian citizens with overseas qualifications

- 1.143 Australian citizens with overseas qualifications, returning to Australia after a significant time overseas, generally seek skills recognition after their arrival in Australia. These individuals may also face licensing and skills upgrading issues on return to Australia.

## Conclusion

- 1.144 This overview of the different groups requiring overseas skills assessment and the relevant visa categories involved introduces many core issues relating to skills recognition, licensing and upgrading that will be discussed in subsequent chapters.

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<sup>96</sup> As of July 2006, the agreements with Turkey and Bangladesh were not yet in effect.

<sup>97</sup> G. Harding and E. Webster, *The Working Holiday Maker Scheme and the Australian Labour Market*, Melbourne Institute of Applied Economics and Social Research, University of Melbourne, September 2002, p. 7 and p. 21.

- 1.145 It is apparent that the offshore visas under the GSM program are probably the least efficient way in which an individual with qualifications gained overseas might seek to come to Australia. The ESM program<sup>98</sup> and conversion of the student visas for those holding Australian qualifications (under the GSM program), are much more direct pathways for individuals.
- 1.146 The plethora of visa types, each with different conditions, makes the process of applying to migrate a very daunting prospect. (See Appendix D for a list of visa classes and subclasses.) The complexities involved in determining an appropriate visa may therefore represent a hurdle from the outset for some individuals seeking skills recognition. The recognition process is complicated by 'the great number of different visa categories and the difficulties that people report about getting information about how to apply for those various visas.'<sup>99</sup> As one witness commented to the Committee:
- The number of visa categories that sit there, it is a maze that confuses everyone.<sup>100</sup>
- 1.147 The Committee notes the importance of accurate information for all groups involved in skills assessment, but in particular for those in the pre-migration phase. The importance of initiatives such as the DIMA web portal is discussed in Chapter 3.

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98 In fact DEST noted in its submission that 'a primary aim of the increased skilled migrant intake will be to expand the numbers in the employer sponsored categories, as it is employers who are best placed to identify their skills needed', DEST, *Submission No. 91*, p. 3.

99 Ms Jeremic, Training and Skills Commission, South Australia, *Transcript of Evidence*, 14 November 2005, p. 20.

100 Mr Acheson, Community Relations Commission for a Multicultural New South Wales, *Transcript of Evidence*, 23 November 2005, p. 12.

*VACC is familiar with the role of VETASSESS, TRA and NOOSR, however there are numerous other organisations that provide similar levels of support. If the number of bodies cannot be streamlined, VACC recommends that clearer guidance be provided to work through the maze of bodies.<sup>1</sup>*

## Policy coordination issues

### Introduction

- 2.1 This chapter provides an overview of the policy context for overseas skills recognition in Australia, including recent Council of Australian Governments (COAG) initiatives. The chapter also looks at the major agencies involved in skills recognition pre-migration and post-arrival for the different groups listed in the Committee's terms of reference.
- 2.2 The overseas skills recognition process brings together the immigration area, the employment regulatory area in terms of the maintenance of occupational standards and the education area in terms of the maintenance of educational standards. A range of bodies are therefore involved, including education and training authorities, regulatory agencies and employers.

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1 Victorian Automobile Chamber of Commerce, *Submission No. 89*, p. 9.

## Commonwealth agencies

### Department of Immigration and Multicultural Affairs

- 2.3 The Department of Immigration and Multicultural Affairs (DIMA) delivers a range of services in Australia and overseas, including the Migration and Humanitarian programs. It also provides programs to equip migrants and refugees to participate equitably in Australian society. The *Migration Act* 1958 and the Migration Regulations set out in detail the migration laws which DIMA administers, including requirements for the grant of visas.
- 2.4 The DIMA website is usually the first place to which potential migrants go for information about migration to Australia and overseas skills recognition. DIMA therefore has a key role in communicating processes to users. DIMA also has an important coordination role in terms of other departments involved in the skills recognition area, such as the Department of Employment and Workplace Relations (DEWR) and the Department of Education, Science and Training (DEST).

### Industry outreach officers

- 2.5 DIMA has some 15 industry outreach officers working with industry groups on full-time and part-time placements. They provide expert advice to employers wanting to employ skilled migrants where they cannot fill skilled jobs locally. Industry outreach officers are located in Perth, Adelaide, Canberra, Melbourne, Tasmania, Sydney and Brisbane.<sup>2</sup>
- 2.6 Outreach officers could also play a role in promoting awareness and acceptance of recognised overseas qualifications by Australian employers, including regional employers, and gauging any delays in obtaining migrant workers because of inefficiencies in the overseas skills recognition process from an employer's perspective.
- 2.7 Witnesses spoke of the 'benefits of DIMIA becoming involved with the community with their outreach officers, and engaging at a local level with their outplaced officers'.<sup>3</sup> They further commented:

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2 See DIMA website, <http://www.immi.gov.au/gateways/agents/news/IOO.htm> (accessed 20 June 2006).

3 Mr Fitzhardinge, Western Australian Skills Advisory Board, *Transcript of Evidence*, 15 November 2005, p. 6.



They might be able to assist with those industries working more closely with migrants in order to employ them. That way we can learn a bit more about how those industries might employ migrants. That would be a useful thing.

... this is a big opportunity because it is one of the first times that we have seen migration and industry working this closely together. From that point of view, it is a very exciting opportunity, because it is a recognition that migration and employment need to work more closely together.<sup>4</sup>

- 2.8 The Committee heard from many groups who had found the industry outreach officer program to be highly successful in expediting skilled migration. The representative from the Chamber of Minerals and Energy, WA, for example, commented that the program had been 'very successful' for their organisation:

For the small to medium organisations it has been particularly good for breaking down the barriers around skilled migration not necessarily being hard or rigorous – that you just need to understand the process for procuring skills from overseas.<sup>5</sup>

- 2.9 The Committee commends DIMA for establishing the industry outreach program.

### Recommendation 3

- 2.10 **The Committee recommends that the industry outreach officer network collect information on skills recognition barriers from an employer perspective, including feedback on delays, bridging requirements, work experience and other skills issues, and that the Department of Immigration and Multicultural Affairs incorporate this information into further policy development.**

### International and Australian skills expos

- 2.11 DIMA, in consultation with industry, also organise international and Australian skills expos. The 'Australia Needs Skills' expos are held around the world and are designed to help meet the current skills shortage in Australia. Australian employers are provided with the

4 Mrs Tkalcevic, Department for Victorian Communities, *Transcript of Evidence*, 24 November 2005, p. 10.

5 Ms Thomas, Chamber of Minerals and Energy, Western Australia, *Transcript of Evidence*, 20 April 2006, p. 33.

opportunity to meet people with the skills and experience needed to fill job vacancies in Australia and overseas workers are invited to attend to learn about visas and employment in Australia.

2.12 Skilled workers attending an expo can also talk to state and territory governments who want to recruit overseas skilled workers. People who attend the overseas expos are screened for age and English language requirements, as well as for qualifications and experience.

2.13 International expos represent a further opportunity to improve the communication of overseas skills recognition processes to potential migrants. As commented in a submission to the Committee:

Full information in detail about the process [should be] provided before skilled migrants decide to leave their own countries (for example during expos organised by DIMIA overseas ...<sup>6</sup>

2.14 In 2005, DIMA held expos in London, Amsterdam, Berlin and Chennai. DIMA screened people by asking them to register their interest in attending the expos and provide details of their qualifications and skills. The department then invited people who appeared to meet requirements for skilled entry into Australia. This process was designed to provide high-quality prospective migrants for the exhibitors to meet.

2.15 Almost 40 Australian employers took part as well as state and territory government representatives, and more than 8,000 prospective migrants attended the four expos.<sup>7</sup> The 2006 expo schedule includes India, the US, Brazil, Peru, the UK and Ireland.<sup>8</sup>

2.16 Expos are also held across Australia to connect employers with international university students, working holiday makers and other skilled workers in Australia. The expos help employers, including those from regional areas, fill job vacancies that they are not able to fill through the Australian market. In 2005 expos were held in Brisbane, Melbourne and Perth. Some 40 employers and 35 regional and state government representatives attended.<sup>9</sup> People attending

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6 Ms Canini, *Submission No. 105*, p. 29.

7 Of this number, there were '3,900 in London, 900 in Amsterdam and 1,140 in Berlin with a further 2,214 in Chennai', DIMA, *Submission No. 80a*, p. 1.

8 See DIMA website, <http://www.immi.gov.au/skillexpos/#expos2006> (accessed 26 July 2005).

9 See DIMA website, <http://www.immi.gov.au/skillexpos/previous-expos.htm> (accessed 19 June 2005).

Australian expos are not screened. In 2006 Australian expos will be held in Adelaide, Melbourne, Sydney and Perth.

- 2.17 The Committee heard much positive feedback about the expos and the flow-on of skilled migration to regional areas. Participants particularly emphasised the benefits of pre-screening attendees to ensure quality applicants:

The response from the public was overwhelming in every location. It pre-screened people; you had to have an occupation on the skilled occupation list. It was extremely beneficial. Most of the people coming through the door were skilled potential migrants. Certainly we have had a spike in inquiries for Western Australia.<sup>10</sup>

The fact that they pre-screen them means that the people who come in are genuinely looking to progress and immigrate. We had in the vicinity of 800 people attend the stand when we were over there, and we have approximately 123 registered nurses and midwives currently on the books in various stages ... We had approximately 79 doctors identified who came to the stand, and we had approximately 140 allied health and health science professionals put in an expression of interest that they were interested in coming out.<sup>11</sup>

- 2.18 Other witnesses emphasised the importance of international skills expos targeted at particular sectors. For example, the Committee heard that the Chamber of Minerals and Energy, WA, had attended an expo in Chennai that had been directed at a broad market: 'We were representing the resources sector and looking for technical people. There were a lot of accountants and IT people who were not high hit items for us'.<sup>12</sup>

- 2.19 In contrast, the targeted expo in Kolkata (Calcutta) was 'a very successful event':

The target market was obviously resource related. We gained significant benefits from that. Our companies have had significant spin-offs from the engineers and the like – and the

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10 Mr Hill, Department of Industry and Resources, Western Australia, *Transcript of Evidence*, 15 November 2005, p. 13.

11 Ms Mantell, Department of Health, Western Australia, *Transcript of Evidence*, 20 April 2006, p. 25.

12 Ms Thomas, Chamber of Minerals and Energy, Western Australia, *Transcript of Evidence*, 20 April 2006, p. 32.

tradies – who attended that expo. I would highly recommend specialisation of some kind and bringing industries together, so that the attraction of the like type skills that you are after is high and there is a high hit ration.<sup>13</sup>

- 2.20 The Committee also heard that a number of agencies were notified of the expos at short notice:

... a much longer lead time than this year should be given to the states/territories and employers to allow for preparation and planning. It is suggested that an annual plan taking into consideration the number of events in total, timing, location, rationale and key focus be put in place well in advance to allow states/territories and employers to factor that in their planning and budget process.<sup>14</sup>

- 2.21 The Committee commends DIMA for establishing Australian and international expos and regards them as an important mechanism to promote awareness of skills recognition and licensing issues in Australia. As commented in a submission to the Committee:

The marketing messages in certain countries should ... be reviewed to avoid giving candidates unrealistic expectations and subsequent disappointment.<sup>15</sup>

#### **Recommendation 4**

- 2.22 The Committee recommends that the Department of Immigration and Multicultural Affairs and other stakeholders use the skills expos to provide clearer and more detailed information on overseas skills recognition processes to users, particularly licensing and registration requirements.**

#### **Overseas posts**

- 2.23 DIMA has representation at Australian High Commissions and embassies in 66 countries. There was some reference to the role of these 'overseas posts' in better communicating skills recognition processes:

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13 Ms Thomas, Chamber of Minerals and Energy, Western Australia, *Transcript of Evidence*, 20 April 2006, p. 32.

14 South Australian Government, *Submission No. 94a*, p. 2.

15 South Australian Government, *Submission No. 94a*, p. 2.

In terms of information provision, it would probably be useful if people, when they are applying via overseas posts, are informed that the assessment process that takes place for migration purposes may not be the end of the story in terms of their ability to qualify to practise their profession in Australia.<sup>16</sup>

- 2.24 While the Australian High Commission and embassy websites link with the DIMA website, which also links with the Australian Skills Recognition Information (ASRI) portal, the Committee believes that the portal should be given greater prominence and placed alongside the link to DIMA on High Commission and embassy websites.
- 2.25 The Committee also believes that posts have an important responsibility in alerting potential migrants to skills recognition and licensing issues in Australia, and this role should be reinforced and given priority if possible through improved provision of information at overseas posts:

The information provided to potential migrants at the overseas posts needs to include the two step process of assessment followed by recognition and the possible costs involved. Currently, consistency of information is lacking.<sup>17</sup>

### Migrant resource centres

- 2.26 DIMA makes funds available each year to the Community Settlement Services Scheme and to community organisations, including the Migrant Resource Centres, to provide settlement services for migrants.<sup>18</sup> The funding is targeted to meet the settlement needs of recently arrived humanitarian entrants and family stream migrants with low levels of English proficiency.
- 2.27 The Committee heard from a number of MRCs about the complexities of overseas skills recognition, including that:
- An overarching national approach to skills recognition and licensing is required to overcome inconsistencies at the state and

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16 Ms Rice, Migrant Employment and Training Taskforce, *Transcript of Evidence*, 23 November 2005, p. 18. Similar views about the provision of pre-embarkation information were expressed in a number of submissions—see, for example, Migrant Resource Centre North-West Region, *Submission No. 2*, p. 1.

17 Brotherhood of St Laurence, *Submission No. 23*, p. 2.

18 From 1 July 2006 this funding ceased and was replaced by the Settlement Grants Program.

territory level and provide a 'one stop shop' for professionals and tradespeople;

- Settlement services could be used more to identify people requiring skill upgrades and deliver information on skills recognition and licensing to humanitarian entrants; and
- There needs to be greater assistance for migrants to gain experience in industry through work experience and bridging programs.<sup>19</sup>

2.28 The Committee notes that the Migrant Resource Centres (MRCs) are a significant source of information on the difficulties faced by migrants in seeking skills recognition.

### **Recommendation 5**

2.29 **The Committee recommends that the Department of Immigration and Multicultural Affairs establish a mechanism to better capture information from the Migrant Resource Centres on the barriers faced by migrants in seeking skills recognition.**

2.30 Many of the issues raised by the MRCs are discussed later in the report. Humanitarian entrants are of particular concern to the Committee in that they may face some additional difficulties in overseas skills recognition. Chapter 7 discusses this area further.

### **Vocational Education Training and Assessment Services**

2.31 Vocational Education Training and Assessment Services (VETASSESS) is contracted by DIMA as the national assessing authority for a broad range of generalist professional occupations under the GSM program. It has been conducting assessments of qualifications for migration purposes since 1999. VETASSESS is the commercial arm of Kangan Batman TAFE. (VETASSESS is discussed in Chapter 4.)

### **Department of Employment and Workplace Relations**

2.32 In relation to migration, DEWR's key interests are 'the labour market experience of migrants and the implications of migration for economic, demographic and labour market outcomes'.<sup>20</sup> DEWR also

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19 See Migrant Resource Centre North-West, *Submission No. 2*, pp. 2-3; and Migrant Resource Centre of South Australia, *Submission No. 32*, p. 4.

20 DEWR, *Submission No. 63*, p. 4.

provides labour market advice to assist DIMA and DEST in the appointment and monitoring of assessing authorities for professional occupations.

### Trades Recognition Australia

- 2.33 Trades Recognition Australia (TRA) is part of DEWR and is the designated assessing authority under the *Migration Act* to assess the trade skills and work experience of prospective migrants under the General Skilled Migration (GSM) program. The occupations assessed by TRA for migration purposes are sourced from those listed on the Skilled Occupation List (SOL).
- 2.34 As well as assessing trade skills for migration purposes, TRA has a role in assessing trade skills domestically. Under the *Tradesmen's Rights Regulation Act 1946* (TRR Act), it undertakes skills assessments in prescribed metal and electrical trades for those with overseas qualifications. (TRA is discussed in Chapter 5.)

### Migration Occupations in Demand List

- 2.35 The Migration Occupations in Demand List (MODL) sets out occupations and specialisations identified by DEWR as being in national demand with sustained, longer term employment prospects in Australia. The MODL has its basis in DEWR's skills in demand research, which involves consultation with key stakeholders, including employers.<sup>21</sup>
- 2.36 The major issue raised with the Committee about the MODL concerned time lags in its publication in matching peak industry demand. For example, the Chamber of Minerals and Energy, WA, representing a sector with significant skills shortages, commented on its past difficulty in getting mining engineers on the MODL:

We have lobbied DEWR and DIMIA for some time in terms of getting skills recognition ... [f]or about 18 months. We have been seeking recognition that, whilst the resources sector is a relatively small employer compared to other industry sectors, our skill needs are significant, with economic significant return to both state and country ... We had some challenges with building awareness and understanding of what the skills

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21 See DEWR, *Submission No. 63d*, pp. 1-2 and DIMA, *Submission No. 80b*, p. 1 for an overview of DEWR's skills in demand work and the process involved in updating the MODL.

needs of the resources sector were and the quantities of those we needed.<sup>22</sup>

- 2.37 The Committee notes that mining engineers are now on the MODL<sup>23</sup> and that over the course of the inquiry DEWR's skills shortage research work and updating of the MODL shifted from being undertaken on an annual basis to being undertaken on a six-monthly basis to seek to address such problems:

... the skills shortage research work will now be undertaken on a six-monthly basis; it used to be undertaken on an annual basis. So we are trying to be more responsive in terms of the work that we are doing with that list. I might also add that we are now undertaking to engage more with industry about their views on occupations that are in shortage.<sup>24</sup>

- 2.38 The Committee notes DEWR's responsiveness to feedback in this area over the course of the inquiry.

### Australian and New Zealand Standard Classification of Occupations

- 2.39 At the time of drafting this report, a new standard classification of occupations, the Australian and New Zealand Standard Classification of Occupations (ANZSCO), was due to be released by the Australian Bureau of Statistics (ABS). ANZSCO is intended to provide an integrated framework for reporting occupation related information.
- 2.40 ANZSCO replaces the Australian Standard Classification of Occupations (ASCO) and the New Zealand Standard Classification of Occupations (NZSCO). The development of ANZSCO commenced in 2002 as a joint project between the ABS, Statistics NZ and DEWR, in consultation with stakeholders.<sup>25</sup> Table 2.1 provides a comparison between ANZSCO and ASCO.

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22 Ms Thomas, Chamber of Minerals and Energy, Western Australia, *Transcript of Evidence*, 20 April 2006, p. 33. The Australian Computer Society (ACS) raise a similar issue, but in this case related to the difficulty that the 'lead time ... [for] taking something off the list was too great', causing an oversupply of graduate programmers, Mr Argy, ACS, *Transcript of Evidence*, 23 November 2005, p. 77. See also Planning Institute Australia on this issue, *Submission No. 14*, p. 2.

23 The MODL was updated on 15 December 2005 to include mining engineers, along with petroleum and chemical engineers.

24 Mr Neville, DEWR, *Transcript of Evidence*, 5 September 2005, p. 37.

25 As DIMA commented, '[e]xtensive consultations have occurred with key stakeholders in Australia and New Zealand to inform stakeholders of progress and seek their views on key issues affecting the overall design, structure and model of ANZSCO', *Submission No.80b*, p. 1. See also DEWR, *Submission No. 63d*, p. 2.



2.41 However, over the course of the Committee's inquiry and at the time of drafting this report, ASCO was in general usage, including in classifying occupations on the SOL and MODL. There is a relationship between ASCO and the issues discussed above with the MODL. It is therefore useful to include a discussion on ASCO at this point.

Table 2.1 Comparison between ANZSCO and ASCO classifications

ANZSCO	ASCO Second Edition
1 Managers	1 Managers and Administrators
2 Professionals	2 Professionals
3 Technicians and Trades Workers	3 Associate Professionals
4 Community and Personal Service Workers	4 Tradespersons and Related Workers
5 Clerical and Administrative Workers	5 Advanced Clerical and Service Workers
6 Sales Workers	6 Intermediate Clerical, Sales and Service Workers
7 Machinery Operators and Drivers	7 Intermediate Production and Transport Workers
8 Labourers	8 Elementary Clerical, Sales and Service Workers
	9 Labourers and Related Workers

Source ABS, *Information Paper: ANZSCO—Australian and New Zealand Standard Classification of Occupations*, September 2005.

2.42 The Committee notes that the introduction of ANZSCO may have implications for the content of the SOL and MODL and for assessing authorities, potential migrants, employers and others involved in skilled migration should there be substantial variation of occupation titles and classification groups.

2.43 The introduction of the new ANZSCO aside, during the inquiry the Committee heard of concerns about the ASCO being outdated in that it does not align with the Australian Qualifications Framework:

Trade classification of trade skilled migrants during the pre-migration process is based on ASCO descriptors which do not align with Australian trade qualifications based on the national training framework. This inconsistency impacts on the tradesperson's recognition and licensing ...

2.44 The Committee notes that the introduction of the new ANZSCO may address this issue. During the inquiry, it was also suggested that there needed to be a more detailed subspeciality set of classifications on the MODL so as to be more responsive to skills in short supply and that the ASCO occupations titles no longer reflected the current titles used by industry.

2.45 There was concern that the classification of occupations under ASCO could potentially widen the gap between pre-migration assessment and employment assessment, if 'the title given to the trade skilled migrant [is] too broad to match Australian trade classifications or licensing requirements' or if the occupation listed on the SOL or MODL is not quite the same as the occupation in employment demand. As the Committee heard:

There appears to be something of a mismatch between the descriptors of skills shortage occupations as listed in the Migration Occupations in Demand (MODL) list and employers perception of the skills sets they require in particular occupations.<sup>27</sup>

2.46 In particular, the Committee heard of the problems experienced in this area by the Australian Computer Society (ACS), the assessing authority for the IT industry – that is, the MODL classifications do not facilitate the entry of IT professionals with the specialised skills that are actually in demand:

... the term 'programmer', generically, is just unhelpful. What we have suggested to DIMIA – and, to be fair, I believe this is being taken up, but I am not sure how far it has got – is to have a much more detailed level of granularity of these classifications so that you can be much more responsive about what skills, down to the detailed level, are in short supply so you can do the matching with greater agility than simply

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26 Queensland Government, *Submission No. 83*, p. 23. See also, Tasmanian Government, *Submission No. 77*, p. 3.

27 Adult Multicultural Education Services, *Submission No. 9*, p. 2.

broadly bringing in masses of people who actually are not required at all.

... the migration occupations in demand list is not agile enough. It is not updated frequently enough and the granularity of the classifications on the list is not sufficiently detailed, so it does not descend to the level of specialisation that you need to identify to enable it to perform its policy objective.<sup>28</sup>

- 2.47 As DEWR advised the Committee during the inquiry, it does have the capacity to add specialisations and new occupational titles to the MODL:

... regardless of the move to replace ASCO with a harmonised classification system ... ASCO was reviewed on a regular basis to ensure it reflected changes to the labour market including the identification of new occupational titles and specialisations (and, as appropriate, the removal of occupational titles) ...

Where DEWR research and analysis identifies specialisations within an occupation ... as being in 'national demand' and with good employment prospects, provision exists for these specialisations to be included on the MODL.<sup>29</sup>

- 2.48 The Committee also notes that computer specialisations were added to the MODL in December 2005 and that a note was added at the end of the MODL to specifically address ACS's concerns:

If you nominate one of the above specialist computing occupations, you will only be awarded MODL points if your skills assessment from the relevant Australian assessing body – the Australian Computer Society (ACS) states you have met the criteria to be recognised in one of the above specialisations.<sup>30</sup>

- 2.49 The Committee does, however, accept the difficulties in accommodating subspecialisations on the MODL. As DEWR commented, the small numbers employed may present problems in

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28 Mr Argy, ACS, *Transcript of Evidence*, 23 November 2005, p. 77 and p. 80. This issue was also raised by the Migration Institute Australia, *Submission No. 34*, p. 19, and the Association for Consulting Engineers Australia, *Submission No. 31*, p. 10.

29 DEWR, *Submission 63d*, pp. 1-2.

30 DIMA website, <http://www.immi.gov.au/skilled/general-skilled-migration/skilled-occupations/occupations-in-demand.htm> (accessed 26 July 2006).

terms of ensuring sufficient and ongoing demand for people to work in these areas. Both DEWR and DIMA also point out that employers experiencing difficulties in recruitment of subspeciality skills have the option of accessing a range of employer sponsored migration arrangements.<sup>31</sup>

- 2.50 Clearly, occupations listed on the MODL and the SOL as being in migration demand therefore need to match, as closely as possible, the occupations in employment demand. The Committee did hear about concerns here regarding the new ANZSCO:

The draft ANZSCO structure is an improvement on the ASCO structure that it will replace but it still does not adequately address the new skills in the resources sector. In particular skills in the oil and gas sector are not detailed enough.<sup>32</sup>

- 2.51 The Committee emphasises that DEWR will need to continue to be as flexible as possible in responding to employer needs in its skills in demand research and management of the MODL, particularly when the new ANZSCO is introduced.

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## **Recommendation 6**

- 2.52 **The Committee recommends that the Department of Employment and Workplace Relations (DEWR) work more closely with assessing authorities, industry groups and other stakeholders to ensure the Migration Occupations in Demand List (MODL) reflects, as precisely as possible, occupations and specialisations in demand at any particular time. To facilitate this, DEWR should develop a process to more regularly review the MODL – on a three monthly basis, at a minimum – and improve feedback on its accuracy and currency.**

## **Department of Education, Science and Training**

- 2.53 DEST facilitates the recognition of overseas professional skills by identifying, approving and monitoring professional bodies as assessing authorities. It also provides an overseas qualifications recognition service to assessing authorities and Overseas Qualifications Units based in the state and territory governments

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31 DEWR, *Submission 61d*, p. 2 and DIMA, *Submission 80b*, p. 2.

32 Western Australian Skills Advisory Board, *Submission No. 17*, p. 6.

through Australian Education International-National Office of Overseas Skills Recognition (AEI-NOOSR).

### Assessing authorities/professional bodies

- 2.54 Approved assessing authorities are gazetted by the Minister for Immigration and Multicultural Affairs to undertake overseas skills assessment under the GSM program for occupations listed on the SOL.
- 2.55 There are some 34 assessing authorities for over 450 occupations. There are also two agencies that provide assessments for a group of occupations: Trades Recognition Australia (TRA), which assesses trades and is part of DEWR, and VETASSESS, which assesses generalist professional occupations and reports to DIMA. (The assessing authorities for professions, including VETASSESS, will be discussed in Chapter 4. TRA, as the assessing authority for trades, is discussed in Chapter 5.)
- 2.56 Skills assessment is a basic requirement for all prospective GSM program applicants and for some Employer Nominated Scheme applicants. In order to be granted a visa, an applicant's skills must have been assessed as suitable by the assessing authority for the occupation nominated by the applicant.
- 2.57 Aside from TRA and VETASSESS, the skills assessing authorities are usually the peak professional bodies for their occupational area/s. As well as undertaking overseas skills assessment under the GSM program, these bodies are therefore usually responsible for assessing the skills of all other individuals who have trained overseas.

### Australian Education International and National Office of Overseas Skills Recognition

- 2.58 AEI-NOOSR is part of DEST. AEI-NOOSR provides advice on the comparability of overseas qualifications with Australian qualifications.
- 2.59 AEI-NOOSR is also an assessing authority for overseas teaching qualifications for GSM program applicants, although the Committee understands that a new assessing authority for this area was being considered.<sup>33</sup>

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33 See Dr Jarvie, DEST, *Transcript of Evidence*, 27 March 2006, p. 22.

- 2.60 DEST's qualifications recognition service, through AEI-NOOSR, involves:
- production of publications, Country Education Profiles, which provide comprehensive information on country education systems and provide assessment guidelines on the comparability of overseas qualifications to Australian qualifications;
  - provision of a free advisory service on qualifications recognition to professional assessing authorities;
  - support for organisations, Overseas Qualifications Units, responsible for the provision of settlement services by each of the State and Territory governments by providing a free advisory service;
  - undertaking assessments on a fee-for-service arrangement for permanent residents who want their overseas qualifications recognised; and
  - provision of a training, mentoring, auditing and qualification assessment service on a fee-for-service arrangement to VETASSESS.<sup>34</sup>

- 2.61 DIMA identify NOOSR as a 'key factor' in the success of the current skills recognition arrangements:

Until the formation of the National Office of Overseas Skills Recognition in July 1989, the Commonwealth's attempts to develop a consistent assessment framework were constrained by limited resources. The introduction of NOOSR (now known as NOOSR-AEI) has led to the consolidation of expertise in two key areas:

- policy advice to Government and key Government agencies on qualification assessment issues; and
- a skills recognition advice and assessment service for education providers and assessing authorities.<sup>35</sup>

- 2.62 There are a number of issues concerning the role of AEI-NOOSR – for example, the duplication in skills recognition information through the DIMA and AEI-NOOSR websites. These issues will be discussed in later chapters.

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34 DEST, *Submission No. 91*, p. 7.

35 DIMA, *Submission No. 80*, p. 3.

## Country Education Profiles

- 2.63 Country Education Profiles (CEPs), as produced by AEI-NOOSR in DEST, provide assessment guidelines for the comparability of overseas qualifications to Australian qualifications. These guidelines may assist employers, professional bodies and government agencies, as well as individuals wanting to know the educational level of their qualification from an Australian perspective.
- 2.64 CEPs contain detailed information about the structure and qualifications of all sectors of a country's education system, key points of comparison used by AEI-NOOSR for assessment purposes and assessment guidelines for comparing qualifications from the overseas country with qualifications on the Australian Qualifications Framework. The CEPs provide 'national consistency, quality and validity for educational assessments'.<sup>36</sup>
- 2.65 At the beginning of the inquiry, the Committee heard many comments about the then hard copy CEPs being out of date and difficult to access:
- Many of the Country Education Profiles have not been reviewed since the early 1990s. This raises concerns where the assessment is based on academic qualifications as we rely on the CEP to ascertain whether there is an equivalency to an Australian qualification.<sup>37</sup>
- ... the Country Education Profiles ... are badly out of date. It would be beneficial for access to these to be improved and for updates to be provided more regularly.<sup>38</sup>
- 2.66 The issue here, as commented, is that 'when guidelines are updated ... can very well make a difference to the outcome of an assessment'.<sup>39</sup> Clearly, if the CEPs are not regularly updated, this can affect the accuracy of the overseas qualification recognition service provided.
- 2.67 Many different bodies use this data, including assessment authorities, state and territory Overseas Qualifications Units, employers and individuals. The Committee was therefore pleased to note that, part way through the inquiry, the CEPs were updated and launched online:

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36 Tasmanian Government, *Submission No. 77*, p. 3.

37 Immigration Lawyers Association of Australasia, *Submission No. 82*, p. 24.

38 Migration Institute of Australia, *Submission No. 34*, p. 3. See also Migrant Network Services, *Submission No. 54*, p. 2 and Imelda Argel and Associates, *Submission No. 92*, p. 2.

39 Mr Parker, VETASSESS, *Transcript of Evidence*, 24 November 2006, p. 20.

... the launch of the new CEP Online system on 14 October 2005 ... was a direct response to industry requests for AEI-NOOSR to deliver:

- Overseas qualifications recognition information in an electronic format this is easy to access, search and browse; and
- More regular and frequent updates to this information.<sup>40</sup>

2.68 The online CEPs, covering 106 countries, can be accessed by any individual or organisation on a subscription basis. DEST informed the Committee that the online information would be 'updated regularly'.<sup>41</sup>

2.69 Following the introduction of the online CEPs, the Committee heard from witnesses who commented on the usefulness of the updated material and improved access arrangements, although there was still some material that required updating:

We use the guidelines in the AEI-NOOSR country education profiles, CEPs, which are all online now, as of 1 November, which makes it even easier.<sup>42</sup>

Some of the CEPs online are very old, but in the last six months there has been a lot of work done in updating for some of the high-volume countries. There are still a few to go. We would love to see Yugoslavia, New Zealand and the UK updated, and I know they are working on that.<sup>43</sup>

2.70 DEST also commented that it had received 'consistent and very positive feedback from industry on CEP Online' and that it would seek 'formal feedback on this product in 2006' to ensure that it is delivering a service 'closely aligned with user needs'.<sup>44</sup>

2.71 The Committee welcomes this development and notes the efficiencies that the new online CEPs should contribute to the skills recognition process through improved client service and accuracy of information.

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40 DEST, *Submission 91b*, p. 1.

41 DEST, *Submission 91b*, p. 1.

42 Ms Hurley, Certified Practising Accountants Australia, *Transcript of Evidence*, 24 November 2006, p. 41.

43 Ms Rogers, Department of Employment and Training, Queensland, *Transcript of Evidence*, 9 March 2006, p. 53.

44 DEST, *Submission 91b*, p. 2.



## Recommendation 7

- 2.72 **The Committee recommends that the Department of Education, Science and Training accelerate the process of expanding and updating the Country Education Profiles and develop a process to periodically review and formally receive feedback on the accuracy and currency of that information.**

## State and territory governments

- 2.73 State and territory governments play an important role in promoting migration and addressing skills recognition and licensing issues.<sup>45</sup> Their role in this area typically covers:

- implementing state-based migration strategies;
- operating Overseas Qualification Units or similar advisory or referral bodies; and
- providing certain settlement services and migrant employment support programs.

- 2.74 Evidence to the inquiry from state and territory governments highlighted the need for improved coordination of the provision of information to potential migrants:

Effective communication and information sharing is required among skills recognition authorities, professional bodies, accreditation units and licensing authorities within all jurisdictions about the processes for recognition of skills and qualifications, including appeal mechanisms. Clear communication of policy and policy directions is needed at a national level.<sup>46</sup>

- 2.75 One of the Committee's terms of reference is to identify areas where Australia's procedures can be improved in terms of achieving greater consistency in recognition of qualifications for occupational licensing by state and territory regulators. As the Northern Territory Government observed:

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45 The Committee received submissions from all state governments and the Northern Territory.

46 Queensland Government, *Submission No. 83*, p. 23.

Cross-border mobility for a number of professional occupations continues to be impeded by differences in training and the assessment of skills and knowledge, and variations in the occupational licensing and regulatory requirements between jurisdictions. The lack of consistency presents an impediment to the mobility of skilled labour to address current skills shortages in the Northern Territory.<sup>47</sup>

- 2.76 Issues raised by the state and territory governments are discussed throughout this report.

## Overseas Qualification Units

- 2.77 Overseas Qualification Units (OQUs) or their equivalents have been established in most Australian states and territories to assist migrants to obtain overseas skills recognition. Most OQU services are free.

OQUs generally provide:

- Statements of educational equivalence for qualifications obtained overseas [based on AEI-NOOSR CEPs].
- Information on where and how to obtain specific occupational assessments and which occupations have licensing and/or regulatory requirements.
- Information about further training, including: English language training, bridging training and orientation programs.

They may also provide:

- Employment related information.
- Advocacy and help to present information to assessors and assessing authorities.<sup>48</sup>

- 2.78 State department representatives emphasised that the OQUs are providing a useful service, particularly in facilitating overseas skills recognition. For example, the Western Australian OQU representative commented:

The unit was established in 1989 and it has had a very successful track record in assisting around 30,000 people who obtained their qualifications overseas and residents wanting to have their skills and qualification recognised interstate. The unit itself facilitates individual requests for skills recognition

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47 Northern Territory Government, *Submission No. 93*, p. 8.

48 DIMA website, <http://www.immi.gov.au/asri/os-qual-units.htm> (accessed 26 July 2006).

and gives one on one assistance and direction in terms of training and employment options available. That is the important point I would like to come back to, that one to one contact.<sup>49</sup>

2.79 Similarly, the Victorian OQU representative commented:

... OQU ... holds industry-based forums to link overseas qualified professionals with industry bodies and employers, primarily to provide orientation to industry, but also to assist in the development of professional networks. More than 600 unemployed or under-employed overseas qualified migrants in fields including IT, teaching, medicine, child care and accounting have participated in these forums. The OQU acts as a one-stop referral and advocacy agency between the migrant, professional bodies and other services to enable migrants to be linked effectively to other recognition, registration and licensing services.<sup>50</sup>

2.80 Representatives from the OQUs were well placed to comment on the current complexity of the overseas skills recognition framework in Australia:

With respect to the qualifications unit and the assessment it does, it does not make the pathways easier to navigate in that we are still having to advocate for the migrant and negotiate the system ... We are using this service to help the migrant to negotiate the system, which in itself is telling us that there is a problem with the system.<sup>51</sup>

2.81 The Committee heard that a number of the clients of OQUs are humanitarian entrants and family stream migrants who would not have had their skills assessed pre-migration:

So for those individuals, the OQU is a first stop for them, where they can get guidance on what their qualification is equivalent to from an academic point of view. They are referred to education, training and employment services, professional registration bodies et cetera. So it is a referral point. Without that service, you would have quite a huge gap

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49 Mr Player, Department of Education and Training, Western Australia, *Transcript of Evidence*, 15 November, 2005, p. 16.

50 Victorian Government, *Submission No. 100*, p. 10.

51 Ms Tkalcevic, Department of Victorian Communities, *Transcript of Evidence*, 24 November 2005, p. 4.

there, in that those migrants would not be serviced at all ...  
The service we provide is free.<sup>52</sup>

- 2.82 The effective role of the OQUs was highlighted in evidence to the Committee,<sup>53</sup> and the Committee commends the OQUs in their role.

## Mutual Recognition Act 1992

- 2.83 In the early 1990s the Australian Government and the states and territories agreed to adopt 'mutual recognition' arrangements for occupational licensing to overcome some of the problems caused by different requirements across jurisdictions. Subject to certain conditions, under the provisions of the *Mutual Recognition Act 1992*, 'a person who has current authority to practise their occupation in one Australian State or Territory is eligible to be registered and to carry on that equivalent occupation in a second State or Territory'.<sup>54</sup>

- 2.84 Australia's mutual recognition arrangements were reviewed in 2003 by the Productivity Commission, which noted that, while mutual recognition has, in general, 'reduced impediments to occupational mobility', jurisdictions should be encouraged to 'continue to work on reducing differences in registration requirements to address concerns that the entry of professionals through the "easiest jurisdiction" might lower overall competencies'.<sup>55</sup> The Committee heard similar comments:

The lack of uniformity of regulatory and education requirements for various skilled occupations throughout Australia continues to be a problem. Under the Mutual Recognition Scheme, it is possible for persons seeking a license or accreditation to forum shop for the lowest point of entry. The differences between jurisdictions are also sources of frustration for migrants who seek to move within Australia.<sup>56</sup>

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52 Ms Tkalcevic, Department of Victorian Communities, *Transcript of Evidence*, 24 November 2005, p. 4.

53 See, for example, Brotherhood of St Laurence, *Submission No. 23*, p. 2.

54 DIMA website, <http://www.immi.gov.au/asri/background.htm> (accessed 26 July 2006).

55 Productivity Commission, *Evaluation of Mutual Recognition Schemes*, p. xviii.

56 Northern Territory Government, *Submission No. 93*, p. 8.

2.85 Australia's regulatory framework for licensing and registration and mutual recognition arrangements between the states and territories have recently been major areas of activity for COAG, as is discussed below. As a recent report on Australia's regulatory framework states:

Evidence from business groups indicates that the principle of national or 'mutual' recognition has not been successfully implemented ...

The ineffectiveness of mutual recognition is also an issue for the health sector, where the professional certification and licensing of nursing staff by states and territories create impediments to labour mobility ...<sup>57</sup>

2.86 Chapter 3 considers this area in further detail, and Chapters 4 and 5 discuss registration and licensing issues for the trades and professions.

## Council of Australian Governments

2.87 Over the last two years, the Council of Australian Governments (COAG) has investigated four areas of interest to this inquiry:

- Overseas skills recognition in the trades and mutual recognition arrangements between the states with regard to trade licensing;
- Assessment processes for overseas trained doctors, and training, accreditation and registration issues in the health workforce;
- A national approach to training and skills recognition to recognise the existing skills of people entering training; and
- Regulatory reform.

2.88 On 10 February 2006, COAG agreed to an action plan for addressing skills shortages in the trades through a national approach to apprenticeships, training and skills recognition. The action plan included:

A single, pre-migration off-shore assessment process to meet skilled migration and licensing purposes and be accepted for

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57 Regulation Taskforce, *Rethinking Regulation: Report of the Taskforce on Reducing Regulatory Burdens on Business*, Report to the Prime Minister and the Treasurer, January 2006, pp. 41-42.

licensed employment throughout Australia for intending migrants from:

- India;
- the United Kingdom;
- South Africa;
- Sri Lanka; and
- South Korea

In:

- six priority skills shortage occupations by July 2007;
- all trade occupations in these five countries by December 2008.<sup>58</sup>

- 2.89 As these measures impact on the trades area, they will be discussed in detail in Chapter 5.
- 2.90 COAG also announced major initiatives relating to the health workforce, including on the organisation of clinical education and training, and accreditation and registration. On 14 July 2006, COAG resolved to put in place a single national registration scheme for health professionals by 2008, and a single national accreditation scheme for health, education and training by 2008. COAG also agreed to implement a national process for the assessment of overseas trained doctors by December 2006.<sup>59</sup> Chapter 4 examines the health professions in more detail.
- 2.91 In February 2006, COAG announced initiatives relating to a national approach to training and skills recognition to address skills shortages. In particular, to make the most of existing skills in the workforce, COAG has agreed that 'a better process to recognise the existing skills of all people entering training will be introduced by January 2007, so that workers do not have to repeat or undertake training for skills they have already acquired on the job'.<sup>60</sup>
- 2.92 In particular, to achieve maximum flexibility in training for employers and individuals, COAG announced that 'all workers entering publicly funded training will be able to have their existing skills recognised quickly and simply so that wherever possible their training time is

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58 COAG, *Communique*, 10 February 2006, <http://www.coag.gov.au/meetings/100206/index.htm> (accessed 25 July 2006).

59 COAG, *Communique*, 14 July 2006, <http://www.coag.gov.au/meetings/140706/index.htm> (accessed 25 July 2006).

60 COAG, *Communique*, 10 February 2006.

reduced' and there will also be a program to support good practice in recognition of prior learning.<sup>61</sup>

2.93 In February 2006, COAG also announced initiatives focused on reducing the regulatory burden imposed by the three levels of government. COAG agreed that 'all governments will identify further reforms that enhance regulatory consistency across jurisdictions or reduce duplication and overlap in regulation and in the role and operation of regulatory bodies'.<sup>62</sup>

2.94 The Committee notes the significance of these COAG initiatives. COAG provides a mechanism to facilitate cooperative action across Commonwealth and state/territory governments to improve the efficiency of Australia's overseas skills recognition process. As the Northern Territory Government commented:

With the demand for skilled workers within Australia increasing and skill shortages deepening it is important to ensure that the processes and pathways for qualification and skills recognition are transparent, integrated and facilitative. Such an approach will require full cooperation between the Commonwealth, State and Territory governments as well as that of industry, as a number of professions and trades involve industry based assessment, recognition, registration or licensing.<sup>63</sup>

## Employers

2.95 DIMA commented on how the migrant selection process had changed since the 1950s, with the emphasis now on employers taking the lead in this process:

I believe the key difference here is that we are taking the state governments and employers with us. Fundamentally, the selection is going to be done resting on their powers to sponsor skilled migrants, whereas back in the fifties it was predominantly done by immigration officers doing the bulk of the selecting. We believe having employers doing the selecting is a better system. As much as I have confidence in

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61 COAG, *Communique*, 10 February 2006.

62 COAG, *Communique*, 10 February 2006.

63 Northern Territory Government, *Submission No. 93*, p. 5.

how well our staff would select, we believe employers are better people to select the migrants, as are the regions and the state governments.<sup>64</sup>

- 2.96 Employers play a significant role in the overseas skills recognition process. As DIMA stated:

It is not always necessary to have your overseas qualifications recognised in order to obtain employment in Australia. In many occupations you can apply directly for employment and the employer will decide whether to 'recognise' your overseas training and experience or not ... In other occupations, employers may prefer to employ people who are members of professional associations or unions or who have obtained an academic assessment that indicates the educational level of the overseas qualification.<sup>65</sup>

- 2.97 DIMA's Employer Sponsored Migration program, which was discussed in the previous chapter, provides a number of targeted visa options for employers.

- 2.98 The skill matching database, maintained by DIMA, also assists employers to identify prospective skilled employees from overseas. The skill matching database contains the educational, employment and work details of around 6,000 skilled people, representing more than 300 trades and professions. The database is available through the DIMA website.

- 2.99 In terms of assisting skills recognition by Australian employers for workers listed on the database, it was suggested to the Committee that there needed to be more information entered on the database to ascertain qualifications:

VACC recommends that a number of fields in the data base are compulsory, such as country of qualification, current occupation and duties. The current data base provides for the year the qualification is awarded, however, VACC recommends that it provides for the commencement and completion date. This would assist potential employers to identify whether the course was a short course or one comparable to a period of apprenticeship.<sup>66</sup>

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64 Mr Rizvi, DIMA, *Transcript of Evidence*, 5 September 2005, p. 19.

65 DIMA website, <http://www.immi.gov.au/asri/background.htm> (accessed 18 July 2006).

66 Victorian Automobile Chamber of Commerce, *Submission No. 89*, p. 8.



- 2.100 DIMA commented that 'in response to employer feedback the fields relating to applicant's educational qualifications and employment history were made mandatory from July 2005'. However, as applicants can remain on the database for up to two years, 'some applications made prior to July 2005 may still not include this information'.<sup>67</sup>
- 2.101 The Committee was pleased to note that DIMA had responded to this feedback and implemented this improvement to the database. DIMA also commented that employers are encouraged to contact applicants and 'use their standard interview questions to determine if the applicant has the required qualifications and experience for the vacancy'.<sup>68</sup>
- 2.102 One of the Committee's terms of reference is to identify areas where Australia's procedures can be improved in terms of awareness and acceptance of overseas qualifications by Australian employers. This issue will be discussed further in Chapter 7.

## Australian training environment

- 2.103 Australia's national training framework seeks to simplify the vocational education and training (VET) system and reduce points of regulation. The framework is made up of two elements: the Australian Quality Training Framework (AQTF) and Training Packages.
- 2.104 The AQTF is a set of nationally agreed standards to ensure the quality of VET services through Australia. Training Packages are sets of competency based, nationally endorsed standards and qualifications for recognising and assessing people's skills. As the Committee heard:

The Australian vocational training system is an industry led system that focuses on individuals being prepared for the world of work by achieving competency against industry defined skill sets. These skill sets are detailed in industry training packages ... A quality framework is set up around the system that ensures that providers of education and training deliver outcomes that meet with requirements detailed in the

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67 DIMA, *Submission No. 80b*, p. 2.

68 DIMA, *Submission No. 80b*, p. 2.

training packages. This framework is the Australian Quality Training Framework (AQTF).

The key objective of the AQTF is to provide the basis for a nationally consistent, high quality vocational education and training (VET) system.<sup>69</sup>

2.105 The Australian Qualifications Framework (AQF) is a unified system of national qualifications. It connects schools, vocational education and training (TAFEs and private providers) and the higher education sector (mainly universities) in a single coherent framework.<sup>70</sup>

2.106 The AQF allows the development of flexible pathways to assist people to move more easily between education and training sectors and the labour market. As a witness emphasised:

... wherever the processes occur, whether overseas or in Australia, and in fact whatever processes are being used, we do have a nationally recognised training system in Australia, the Australian Qualifications Framework. ... we need to be very careful that none of these actions, taken at the moment to address particular needs, would actually be detrimental to the quality which has been set up through the AQF.<sup>71</sup>

## Competency based training and recognition of prior learning

2.107 In the VET sector, qualifications are awarded for the achievement of competencies. 'Competency' defines the possession and application of knowledge and skills to defined standards that correspond with workplace requirements. The state and territory training authorities delegate the responsibility for assessment and issuing of the qualification to a registered training organisation (RTO).

2.108 Recognition of prior learning (RPL) allows a person to receive recognition and credit for knowledge and skills they have gained, including overseas, outside the formal education and training system – for example, through training programs at work and work experience. RPL involves the assessment of unrecognised skills and knowledge against the requirements of a qualification:

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69 Restaurant and Catering Australia, *Submission No. 41*, pp. 9-10.

70 See AQF website, <http://www.aqf.edu.au> (accessed 26 July 2006).

71 Ms O'Connor, Department of Further Education, Employment, Science and Technology, South Australia, *Transcript of Evidence*, 14 November 2005, p. 18.

By removing the need for duplication of learning, RPL encourages an individual to continue upgrading their skills and knowledge through structured education and training towards formal qualifications and improved employment outcomes ...<sup>72</sup>

- 2.109 It is a requirement of the Australian Quality Training Framework that RTOs must offer RPL prior to the commencement of training.<sup>73</sup>
- 2.110 In the VET sector, RPL assessment can result in a full qualification or a statement of attainment for partial completion, in recognition that a person has achieved the assessment requirements for one or more of the nationally endorsed competencies identified for a particular qualification.
- 2.111 Under the AQF, each qualification provides for an RPL pathway as an alternative access point or source of credit. Processes used to assess RPL may involve, for example, direct observation of demonstration of skill or competence.
- 2.112 The Committee heard many comments about competency based training and RPL and the move away from equivalence of standards to equivalence of competence:

The process of establishing competency standards and using those competency standards to assess individuals for particular occupations is one that we are heavily involved in. The skills councils that work with those competency standards consult with our organisations, and we are very happy with that process. We put a lot of effort into making sure that those competency standards adequately describe the skills you need.<sup>74</sup>

We support the introduction of the competency based system ... We recognise that to have a proper competency based system the old time-served notion disappears.<sup>75</sup>

... we believe that recognition of individual competence often provides a more secure outcome than does the recognition of specific qualifications.<sup>76</sup>

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72 DEST, *Submission No. 91c*, p. 2.

73 DEST, *Submission No. 91*.

74 Mr Hart, *Restaurant and Catering Australia Transcript of Evidence*, 23 November 2005, pp. 72-73.

75 Mr Maxwell, *Construction and General Division, Construction, Forestry, Mining and Energy Union Transcript of Evidence*, 23 November 2005, p. 95.

2.113 As discussed above, COAG have announced major initiatives relating to a national approach to training and skills recognition to address skills shortages. This should also promote more streamlined arrangements for the recognition of overseas skills and improve training pathways for migrants requiring skills upgrading. As the Committee heard:

... the process of skills recognition should not operate independently to the Vocational Education and Training (VET) system. One of the key tenets of the VET system is that competency is the objective, not training completed. This fits well with the concept of skills recognition ... Assessment would therefore be able to be undertaken and recognition provided in both the individual units of competency and the overall qualification. This would suit, not only the recognition process for immigration, but provide a pathway for these people to undertake further education and training once in Australia.<sup>77</sup>

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76 Mr Morris, Global Recognition Agency, *Transcript of Evidence*, 9 March 2006, p. 2.

77 Restaurant and Catering Australia, *Submission No. 41*, p. 9 and p. 11.

*It will be imperative that the information provided on [the new skills recognition] website is easily understood, accurate and up to date. Importantly, it will provide a picture of the maze of Government and private organisations, including registered training organisations, that have an interest in this area ...<sup>1</sup>*

## Overseas skills recognition framework

### Introduction

- 3.1 As the 1982 Fry Committee of Inquiry into Recognition of Overseas Qualifications observed:

It is important for all concerned with the recognition in Australia of qualifications obtained overseas to recognise the complexity of the subject.<sup>2</sup>

- 3.2 This chapter explores the complexity of Australia's overseas skills recognition framework and provides a broad overview of the overseas skills recognition pathways for the different groups listed in the Committee's terms of reference, encompassing:

- pre-migration and post-arrival skills recognition;
- registration, licensing and professional membership; and

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1 Northern Territory Government, *Submission No. 93*, p. 9.

2 Committee of Inquiry into Recognition of Overseas Qualifications, *Recognition of Overseas Qualifications in Australia*, 1982, p. 33.

- skills upgrading.
- 3.3 As discussed in Chapter 1, there is no single national authority in Australia that recognises all overseas qualifications or coordinates overseas skills recognition procedures. Figures 1.1 and 1.2 in Chapter 1 provide a brief overview of Australia's current overseas skills recognition framework and what the Committee recommends this framework should look like in the future.
- 3.4 As Figure 1.2 indicates, the Committee's recommendations, along with the recent Council of Australian Governments (COAG) initiatives, combine to create a more streamlined skills recognition framework. Chapter 4 will outline COAG's support for the creation of new national accreditation and registration bodies for the health professions, while this chapter outlines the Committee's recommendation for new management arrangements for Vocational Education Training and Assessment Services (VETASSESS), with oversight of VETASSESS to be transferred from DIMA to DEST.
- 3.5 This means that in the future DEST would have oversight of overseas skills assessment in the non-health related professions through VETASSESS and the relevant assessing authorities, complementing the proposed arrangements for the health professions. Chapter 3 also makes some recommendations to improve DEST's oversight and monitoring of skills assessment arrangements.
- 3.6 This leads into a discussion of some of the major issues raised with the Committee over the course of the inquiry on where Australia's overseas skills recognition procedures can be improved. (Issues specifically relating to the professions and trades are discussed in Chapters 4 and 5.)
- 3.7 Chapter 3 also discusses the new Australian Skills Recognition Information (ASRI) website of the Department of Immigration and Multicultural and Indigenous Affairs (DIMA).

## **Current arrangements**

- 3.8 The recommendations of the Fry Committee of Inquiry into Recognition of Overseas Qualifications in 1982 led to a major reform of assessment procedures for overseas professional and trade

qualifications.<sup>3</sup> Recommendations included the establishment of English language proficiency requirements for each occupation, the establishment of Overseas Qualifications Units in each state and greater emphasis on pre-migration assessment of overseas qualifications.

3.9 The current assessment arrangements for skills stream migrants have built on these developments. These arrangements, according to DIMA:

... evolved from a need to determine the quality and comparability of skills and qualifications obtained in countries outside the traditionally accepted British education and vocational training systems. The arrangements, known as PASA, or pre application skill assessment, have been recognised as world's best practise. They ensure that only those people who have the necessary qualifications and skills required to work in their nominated occupation are successful.<sup>4</sup>

3.10 The new DIMA ASRI website provides the most recent official statement on Australia's current overseas skills recognition framework – see Figure 3.1. As this figure outlines, the various groups requiring skills recognition, as listed in the Committee's terms of reference, face the following recognition pathways:

- pre-migration skills assessment through the assessing authorities – generally applies to skills stream migrants under the General Skilled Migration (GSM) program and, under certain circumstances, the Employer Nomination Scheme (ENS);
- pre-migration skills recognition through DIMA – generally applies to skills stream migrants under Labour Agreements and the Regional Sponsored Migration Scheme (RSMS)<sup>5</sup> and to temporary residents on Temporary Business (Long Stay) visas;
- post-arrival skills recognition – generally applies to families of skill stream migrants, family stream migrants, humanitarian entrants, Australian citizens with overseas qualifications and some

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3 Committee of Inquiry into Recognition of Overseas Qualifications, *Recognition of Overseas Qualifications in Australia*.

4 DIMA, *Submission No. 80*, p. 3.

5 RSMS may also involve skills assessment through the assessing authorities.

temporary residents on working holiday visas, depending on the nature of their occupation (may also apply to some skills stream migrants<sup>6</sup>);

- licensing, registration and professional membership – applies to all groups requiring overseas skills recognition, depending on the nature of their occupation; and
- skills upgrading – may apply to all groups requiring overseas skills recognition.

Figure 3.1 Australia's overseas skills recognition framework<sup>7</sup>

### **Australian Skills Recognition**

In Australia no single authority assesses or recognises all overseas qualifications. Many professional, government and other organisations are involved, depending on the type of qualification or occupation and whether the assessment is for the purpose of migration or employment in a particular State or Territory of Australia.

Please note that Skill Assessments are not an assessment of your suitability for employment or the likely success or failure of obtaining Australian residency status.

### **Skills Assessment**

For people intending to migrate to Australia as skilled migrants.

To apply for a General Skilled Migration visa you must nominate an occupation that is on the Skilled Occupation List (SOL) at the time you apply. The Skilled Occupation List lists all eligible occupations for General Skilled Migration, and the number of points awarded for each.

Regardless of which General Skilled Migration visa you apply for, you must provide evidence that your skills have been assessed as suitable for your nominated occupation by the relevant assessing authority for your nominated occupation before your visa can be granted.

It is your responsibility to contact the relevant assessing authority for your nominated occupation and obtain a skills assessment. Each assessing authority has its own assessment procedures, timeframes and fees. You are strongly advised to

6 For example, the post-arrival certification process through Trades Recognition Australia (TRA) for skills stream migrants with trade qualifications in the metal and electrical trades who entered under the GSM program and, as relevant, the ENS.

7 DIMA website, <http://www.immi.gov.au/asri/background.htm> (accessed 26 July 2006).



contact the relevant assessing authority well before you intend to lodge your application to arrange your skills assessment.

Once you have had your skills assessed and visa granted this does not necessarily mean you can practise or be employed in your occupation in a particular state or territory of Australia. Some states have particular licensing or registration requirements for a number of occupations.

### **Licensing or Registration**

For people intending to migrate to Australia as skilled migrants and people who are already in Australia and wish to practise their occupation in a particular state or territory of Australia.

All Australian states and territories have their own rules for certain occupations. You may need to obtain state-level licensing and registration to practice your occupation in the state or territory you settle in. It is not always necessary to have your overseas qualifications recognised in order to obtain employment in Australia. In many occupations you can apply directly for employment and the employer will decide whether to 'recognise' your overseas training and experience or not. However, a number of occupations require registration or licensing under state or federal Government legislation. In other occupations, employers may prefer to employ people who are members of professional associations or unions or who have obtained an academic assessment that indicates the educational level of the overseas qualification.

### **Mutual Recognition**

In some cases, under the provisions of the Mutual Recognition Act, 1992, a person who has current authority to practise their occupation in one Australian State or Territory is eligible to be registered and to carry on that equivalent occupation in a second State or Territory. Conditions and exceptions may apply.

Under the Trans-Tasman Mutual Recognition Arrangement (TTMRA) a person registered to practise an occupation in any Australian state or territory is generally entitled to practise an equivalent occupation in New Zealand, and a person registered to practise an occupation in New Zealand is entitled to practise an equivalent occupation in the jurisdiction of any Australian state or territory.

To find out if you can obtain registration under the provisions of the Mutual Recognition Act or the TTMRA you should contact the relevant registration authority in the Australian State or Territory in which you intend to practise.

- 3.11 As Figure 3.1 suggests, there are a range of state/territory and Commonwealth arrangements for skills recognition and these arrangements cut across broad policy areas, including migration, employment, vocational education and training, and industry regulation, with varied licensing, registration and professional membership arrangements for each occupation. As well, there are numerous international and domestic mutual recognition arrangements in place for overseas skills recognition.
- 3.12 Table 3.1 provides an overview of some of these arrangements. This table points to some of the difficulties that people might experience in seeking skills recognition. It also underlines that 'skills recognition' may mean different things to different people. As DIMIA stated:
- Skills recognition can mean eligibility for registration or licensing, formal qualifications recognition, having qualifications accepted by Australian employers, or ultimately finding employment in a chosen field of work'.<sup>8</sup>
- 3.13 There were many comments about the complexity of Australia's skills recognition framework:
- Current arrangements for recognition involve multiple assessment authorities and institutions. Based on information from field staff providing support services to people seeking recognition of overseas skills and qualifications, it appears that many overseas entrants find post-arrival recognition, licensing and registration arrangements complex. Moreover, they find the need to contact a number of assessment authorities and institutions confusing and time consuming.<sup>9</sup>
- ... the involvement of a variety of different government agencies and industry bodies adds complexity to the qualification/skills recognition processes in Australia.<sup>10</sup>
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8 DIMIA, *Report of the Review of Settlement Services for Migrants and Humanitarian Entrants*, p. 125.

9 New South Wales Government, *Submission No. 84*, p. 22.

10 Northern Territory Government, *Submission No. 93*, p. 5.

Table 3.1 Overseas skills recognition pathways across the professions and trades

Pre-migration skills assessment through assessing authorities—GSM program (nationally based)	Pre-migration skills recognition—other skills stream and some temporary visas (nationally based)	Post-arrival skills recognition, as applicable (nationally based)	Post-arrival skills recognition and professional membership, as applicable—unregulated occupations (state based)	Registration and licensing and professional membership, as applicable—regulated occupations (state based)
Professional qualifications recognised by approved assessing authorities (professional bodies) and, as applicable, ENS/RMS –there are 34 assessing authorities for various professions, oversighted by DEST	DIMA, in consultation with other agencies	Various bodies may be involved, depending on level of regulation in the occupational field, including professional bodies (overseas skills assessment) and AEI-NOOSR (overseas qualification recognition through CEPs)	Individual employers  Various professional membership bodies for different occupations  State and territory based overseas qualification units assist with qualifications recognition, using AEI-NOOSR's CEPs	Various occupation specific registration boards established under state/territory legislation  Various state/territory licensing authorities  Various professional membership bodies for different occupations
Generalist professions recognised by VETASSESS, oversighted by DIMA		TRA for prescribed metal and electrical trades listed in the Tradesmen's Rights Regulation Act 1946—provision of an Australian Recognised Trade Certificate	RTOs, including VETASSESS, and TAFEs provide competency based assessments to assist with recognition	
Trade skills recognised by TRA <sup>11</sup>				
AEI-NOOSR, in DEST, provides support to assessing authorities, VETASSESS and TRA for overseas qualification recognition through CEPs				

Source Draws on information provided by DEST, *Submission No. 91*, p. 10.

11 For an applicant applying under the ENS, if the assessing authority is nominated as TRA, DIMA 'will also accept a skills assessment from the Department of Industrial Relations in the state or territory' where the applicant will be working—see <http://www.immi.gov.au/allforms/pdf/1121i.pdf> (accessed 6 June 2006).

- 3.14 The Victorian Government commented on how the Overseas Qualification Units (OQUs) were assisting migrants in negotiating the complexities of the skills recognition system: 'We are using this service to help the migrant to negotiate the system, which in itself is telling us that there is a problem with the system'.<sup>12</sup>
- 3.15 The attention that skills recognition arrangements, regulatory reform and mutual recognition between the states and territories have recently received from COAG underlines the complexity of this area. The role of COAG is to initiate policy reforms of national significance that require cooperative action across Commonwealth and state/territory governments. The Committee notes COAG's statement, for example, that, as 'licensing and skills recognition issues cross ministerial portfolios in all jurisdictions, it is necessary for COAG to exercise high-level leadership'.<sup>13</sup>
- 3.16 DIMA acknowledged that there was 'scope for substantial improvement' in Australia's overseas skills recognition processes, highlighting that 'accessibility of information on recognition, licensing and upgrading processes' was made more difficult because of the number of organisations involved in this area:
- ... the multitude of agencies involved, skills-assessing bodies involved and the range of state and territory governments involved mean that this is a complex area, and accessing information in this area is hard.<sup>14</sup>
- 3.17 Similarly, the 'speed and integration of the various steps involved in recognition, upgrading and licensing' was made more difficult because of the range of organisations involved across state and federal jurisdictions:
- The complexity of all of that means that often things are not as streamlined as they could be and often the individuals involved are not aware of what they need to do.<sup>15</sup>
- 3.18 International and domestic mutual recognition arrangements might be expected to have some streamlining effect here, but as DIMA further commented: 'Given that we are still having mutual recognition problems amongst the states, having mutual recognition arrangements with other countries is just another level of difficulty'.<sup>16</sup>

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12 Ms Tkalcevic, Department for Victorian Communities, *Transcript of Evidence*, 24 November 2005, p. 4.

13 COAG, *Communique*, 10 February 2006, <http://www.coag.gov.au/meetings/100206/index.htm> (accessed 25 July 2006).

14 Mr Rizvi, DIMA, *Transcript of Evidence*, 5 September 2005, p. 3.

15 Mr Rizvi, DIMA, *Transcript of Evidence*, 5 September 2005, p. 3.

16 Mr Rizvi, DIMA, *Transcript of Evidence*, 5 September 2005, p. 19.

- 3.19 The Committee is concerned that the complexity of Australia's overseas skills recognition framework presents an obstacle to facilitating skilled migration to Australia and to efficient skills recognition.

## Streamlining skills recognition

### Organisational change

- 3.20 The Committee notes DIMA's role in providing information on overseas skills recognition to potential migrants but also notes that, for other groups already in Australia who are seeking skills recognition (family stream migrants, humanitarian entrants et cetera), DIMA's role in providing such information is not perhaps as logical. This is where the National Office of Overseas Skills Recognition (NOOSR) traditionally played a role in providing a skills recognition service to those with overseas qualifications already in Australia.
- 3.21 Essentially, the Overseas Qualification Units (OQUs) now largely provide this service. For example, DIMA's new Australian Skills Recognition Information (ASRI) website directs people to the OQUs for further information on overseas skills recognition and makes no mention of NOOSR in its 'Useful links' section.
- 3.22 While acknowledging the important role that NOOSR plays in the skills recognition process, the Committee believes its title 'National Office of Overseas Skills Recognition' is somewhat misleading, given that there is no single authority in Australia that recognises all qualifications.
- 3.23 NOOSR has also been subsumed, within the Department of Education, Science and Training (DEST), as the unit 'AEI-NOOSR' and does not have its own website. However, AEI does have its own website and this is where the unit 'AEI-NOOSR' is then referred to.<sup>17</sup> This arrangement is very confusing for people searching for information about NOOSR and its services.
- 3.24 The Committee commends NOOSR for the important role it has played and currently plays in fostering effective overseas skills recognition arrangements. However, it believes that AEI-NOOSR should now be rebadged as AEI.

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17 AEI website, <http://aei.dest.gov.au/AEI/AboutAEI/Default.htm> (accessed 26 July 2006).

- 3.25 AEI would continue the production of the Country Education Profiles (CEPs), as well as providing a limited qualifications recognition service. DEST/AEI would also take on management of the VETASSESS contract from DIMA. Importantly, DEST/AEI would also continue oversight, coordination and monitoring of the assessing authorities for the professions and ensure effective coordination between international education policy and migration employment policy.
- 3.26 Another issue raised by witnesses was the need for DEST to facilitate sharing of knowledge, processes and resources among assessing authorities and improve communication flows concerning policy changes that might affect their assessment processes. As one of the assessing authorities commented:
- Our main issue ... is that we usually do not hear about changes in policies or regulations until they are in the media or our applicants come back and tell us. We are on the back foot and it takes time to have staff skilled up to do the assessing. So we end up with long queue times because of the numbers. I suppose the most obvious way to combat that is by being advised of those changes earlier so that we can prepare for them.<sup>18</sup>
- 3.27 Engineers Australia made a similar point:
- ... when changes were made to the work experience exemptions, Engineers Australia found out about them through regular media channels (media releases, DIMIA website). While the changes had no impact on the way Engineers Australia processed applications, it did have a dramatic effect on the volume of applications received. In January 2004, Engineers Australia processed almost double the number of applications generally received each month.<sup>19</sup>
- 3.28 The Committee agrees that there is a need for improved communication flows to alert assessing authorities to changes to migration policy that might affect them, noting that this is particularly important to their work force planning and to maintaining adequate processing times for assessments.

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18 Ms Hurley, Certified Practising Accountants Australia, *Transcript of Evidence*, 24 November 2005, p. 44.

19 Engineers Australia, *Submission No. 76*, p. 18. See also Australian Institute of Medical Scientists, *Submission No. 102*, p. 4.

**Recommendation 8**

- 3.29 **The Committee recommends that the Department of Education, Science and Training implement a change of title for Australian Education International-National Office of Overseas Skills Recognition (AEI-NOOSR), with it to be referred to in future as Australian Education International (AEI). AEI should continue to perform the full range of functions currently undertaken by AEI-NOOSR.**

**Recommendation 9**

- 3.30 **The Committee recommends that the Department of Education, Science and Training:**
- a) **take over the management of the Vocational Education Training and Assessment Services contract from the Department of Immigration and Multicultural Affairs (DIMA);**
  - b) **improve its oversight, coordination and monitoring of assessing authorities;**
  - c) **enhance its liaison and support role of assessing authorities; and**
  - d) **improve its communication flows with assessing authorities, particularly concerning notice of policy changes by DIMA and the Department of Employment and Workplace Relations that may affect assessment processes.**

**Improved communication of processes to users**

- 3.31 **There is a need to improve the communication of information to prospective migrants on Australia's overseas skills recognition processes and requirements:**

There are considerable barriers that hinder effective and streamlined pathways to skills recognition, upgrading and licensing for both skilled stream migrants and refugees with overseas qualifications. These include barriers related to information and communication about how to access these pathways ...<sup>20</sup>

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20 Migrant Resource Centre of South Australia, *Submission No. 32*, p. 2.

- 3.32 Ways to improve the communication of information to users were suggested over the course of the inquiry and particularly focused on the establishment of a central skills recognition website to better coordinate information in this area.
- 3.33 In April 2005, the Minister for Immigration and Multicultural Affairs, Senator the Hon Amanda Vanstone, announced that DIMIA would work with DEST, DEWR and the state governments to develop a national web portal on Australia's skills recognition processes.<sup>21</sup> The government further announced that in the 2005-06 Budget it would contribute \$1 million over four years towards the establishment and maintenance of the portal.<sup>22</sup>
- 3.34 This initiative was in response to recommendations in the *Review of Settlement Services for Migrants and Humanitarian Entrants*:
- That DIMIA, AEI-NOOSR and Trades Recognition Australia seek to engage key stakeholders in the development of streamlined arrangements for obtaining information about skills assessment in all States/Territories ...
- That DIMIA, in collaboration with AEI-NOOSR, Trades Recognition Australia, the Department of Family and Community Services and Centrelink review information provision, including pre-embarkation information, about skills recognition processes to prospective and newly-arrived migrants, particularly family stream and humanitarian entrants.<sup>23</sup>
- 3.35 The Joint Standing Committee on Migration endorsed these recommendations in its report, *To Make a Contribution: Review of Skilled Labour Migration Programs 2004*.<sup>24</sup>
- 3.36 The need for streamlined arrangements for obtaining information about overseas skills recognition was a common theme in evidence to the Committee over the course of this current inquiry, with there being widespread support for the development of the skills recognition portal – or 'one-stop-shop', as it was sometimes referred to:
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21 Media release by Senator the Hon Amanda Vanstone, Minister for Immigration and Multicultural Affairs, '2005-06 Migration (Non-Humanitarian) Program', 14 April 2005, [http://www.minister.immi.gov.au/media\\_releases/media05/v05052.htm](http://www.minister.immi.gov.au/media_releases/media05/v05052.htm) (accessed 25 July 2006).

22 DIMIA, *Portfolio Budget Statements 2005-06*, p. 29.

23 DIMIA, *Report of the Review of Settlement Services for Migrants and Humanitarian Entrants*, p. 130.

24 Joint Standing Committee on Migration, *To Make a Contribution: Review of Skilled Labour Migration Programs 2004*, Parliament of Australia, March 2004, p. 149.



NSW is aware that DIMIA is developing a national portal to house information concerning Australia's skills assessment and recognition processes. The portal, a kind of internet gateway, will help to provide a "one stop information shop" for migrants needing information about skills recognition and licensing processes, once they arrive in Australia.<sup>25</sup>

The establishment, by the Commonwealth, of an online information portal to provide a central information point for offshore and onshore clients in relation to recognition and licensing in Australia for skills and qualifications gained overseas will be beneficial.<sup>26</sup>

3.37 The Australian Skills Recognition Information (ASRI) website was launched by the Minister on 27 May 2006.<sup>27</sup> The website seeks to:

... help skilled workers better understand what is required for migration purposes and what might additionally be required to actually work in the chosen skilled occupation in Australia. Many migrants do not realise that recognition of their skills for migration purposes does not necessarily mean that they are allowed to practise their occupation in a particular state or territory, or that registration and licensing requirements which apply to some occupations often differ between each state and territory

...

Many migrants including family stream and humanitarian entrants are not required to have their skills assessed prior to migration and can have difficulties later when they wish to work in their occupation. This website will also point these people in the right direction for assistance in entering the skilled workforce.

...

In addition to skills assessment, and licensing and registration information, the website has information on getting additional

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25 New South Wales Government, *Submission No. 84*, p. 31.

26 Queensland Government, *Submission No. 83*, p. 6. See also VETASSESS, 'The establishment of a national web portal on Australia's skills assessment and recognition processes ... would greatly enhance communication and efficiencies within the current system', *Submission No. 86*, p. 6 and Mr Player from the Department of Education and Training, Western Australia, *Transcript of Evidence*, 15 November 2005, p. 23.

27 DIMA website, <http://www.immi.gov.au/asri/who-help.htm> (accessed 26 July 2006).

training in Australia, industry and professional associations, language requirements, and fee assistance.<sup>28</sup>

- 3.38 The ASRI website is searchable through an A to Z listing of occupations. Each entry provides a brief job description, details of the qualifications required and information on the relevant skills assessing authority and registration/licensing requirements, including relevant contacts. The Committee heard from state governments that they had been consulted and involved in the ASRI project.
- 3.39 A series of issues were raised with the Committee about the skills recognition portal initiative, including that:
- the information on the website should be ‘easily understood, accurate and up to date’<sup>29</sup>;
  - the website should be ‘appropriately resourced’ and ‘maintained’<sup>30</sup>;
  - proponents of the web portal should consider ‘the face to face information communication needs of migrants and refugees, especially those who come from source countries that have limited access to the internet’<sup>31</sup>;
  - the website needs to be tested for its ‘English level and its user friendliness, so that people from non-English-speaking backgrounds can use it’<sup>32</sup>; and
  - there should be ‘links to relevant organisations and resources’.<sup>33</sup>
- 3.40 The Committee commends all involved in the development and implementation of the ASRI website. It represents a major improvement on the level of information previously provided and provides information for not just skilled migrants but also other groups requiring overseas skills recognition. Further, the website communicates clear pathways as regards
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28 DIMA website, <http://www.immi.gov.au/gateways/agents/news/asri.htm> (accessed 26 July 2006).

29 Northern Territory Government, *Submission No. 93*, p. 9. See also New South Wales government, ‘[s]teps must be taken to ensure the currency of the information’, *Submission No. 84*, p. 32.

30 DEST, *Submission No. 91*, p. 17; and Ms Rogers, Queensland Department of Employment and Training, *Transcript of Evidence*, 9 March 2006, p. 48.

31 Queensland Government, *Submission No. 83*, p. 23.

32 Ms Rogers, Queensland Department of Employment and Training, *Transcript of Evidence*, 9 March 2006, p. 49. See also Ms Rice, Migrant Employment and Training Taskforce, *Transcript of Evidence*, 23 November 2005, p. 16. Currently, a translated summary of the ASRI information is available on the website in Arabic, Chinese, Dari, Hindi, Indonesian, Korean and Vietnamese.

33 VETASSESS, *Submission No. 85*, p. 5.

overseas skills recognition, upgrading and registration/licensing requirements across a range of occupations. The Committee believes that this initiative will increase the efficiency and effectiveness of the overall skills recognition process and ensure that licensing and registration requirements are more transparent.

- 3.41 The Committee recognises that the ASRI website has only recently been established and that it will evolve over time following feedback from client groups. Proper maintenance of the site and regular updating and monitoring of content will be crucial.
- 3.42 In this regard, the Committee points to two entries in the occupations listing that currently require updating so as not to cause confusion to users: the assessing authority for physiotherapy is listed as the Australian Council of Physiotherapy Regulating Authorities (ACOPRA) but this organisation has recently changed its name to the Australian Physiotherapy Council (APC) and the assessing authority for chiropractic is listed as the 'State/Territory Chiropractic and Osteopathic Registration Boards' when it should be listed as the Council on Chiropractic Education Australasia (CCEA).<sup>34</sup>

### **Recommendation 10**

- 3.43 **The Committee recommends that the Department of Immigration and Multicultural Affairs regularly update and continually monitor the content of the new Australian Skills Recognition Information website to ensure that it meets the varied needs of the different groups requiring overseas skills recognition, particularly with regard to ensuring the information is user-friendly to people from non-English-speaking backgrounds.**

### **Recommendation 11**

- 3.44 **The Committee recommends that the Department of Immigration and Multicultural Affairs add a 'frequently asked questions' section to the Australian Skills Recognition Information website.**

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34 CCEA commented that they had previously pointed this out to DIMA: 'Council was gazetted by DIMA on 15 December as the assessing authority for chiropractic. However, the website still says that it is for registration boards', Mrs Ramsay, Council on Chiropractic Education Australasia, *Transcript of Evidence*, 9 March 2006, p. 17.

- 3.45 The Committee also believes that the ASRI website should include information on the roles of the various skills recognition bodies, nationally and at the state and territory level, to provide people with a more comprehensive picture of arrangements in this area.

### **Recommendation 12**

- 3.46 **The Committee recommends that the Department of Immigration and Multicultural Affairs ensure the Australian Skills Recognition Information website provides an overview of the various organisations involved in administering, monitoring and delivering overseas skills recognition services, both nationally and at the state and territory level, to clarify the governance arrangements and different roles and responsibilities of these bodies. This information should also include links to contact details and relevant performance reporting and accountability documents on skills recognition processes.**
- 3.47 To ensure that the ASRI website becomes a comprehensive source of information for users on overseas skills recognition, it should contain links to some of DIMA's other key documents in this area – for example, form 1121i, the Skilled Occupation List (SOL), which indicates the assessing authorities for each occupation,<sup>35</sup> and fact sheets such as 'How do you get your skills assessed?'<sup>36</sup>
- 3.48 The Committee notes that a number of key forms on the main DIMA website also need to be updated – for example, form 1121i stills retains a reference to AEI-NOOSR information on occupations and there is no mention of ASRI. Some of the information on assessing authorities in form 1121i also requires updating.

### **Recommendation 13**

- 3.49 **The Committee recommends that the Department of Immigration and Multicultural Affairs (DIMA) ensure the Australian Skills Recognition Information website includes a link to other key DIMA documents relating to overseas skills recognition – for example:**
- **Form 1121i, the Skilled Occupation List, which indicates the assessing authority for each occupation and their assessment procedures; and**

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35 DIMA website, <http://www.immi.gov.au/allforms/pdf/1121i.pdf> (accessed 4 July 2006).

36 DIMA website, <http://www.immi.gov.au/skilled/general-skilled-migration/skilled-occupations/skills-assessed.htm> (accessed 4 July 2006).

- fact sheets such as 'How do you get your skills assessed?'

## Recommendation 14

- 3.50 **The Committee recommends that the Department of Immigration and Multicultural Affairs ensure key documents relevant to the migration process contain links to the Australian Skills Recognition Information website.**

## Removing duplication

- 3.51 The Committee noted that there was duplication between the ASRI and AEI-NOOSR websites. The AEI-NOOSR website contains detailed occupational information on overseas skills recognition which pre-dates similar information on the new ASRI website. Given the close resemblance between this material on the two sites, the Committee is interested in why the AEI-NOOSR website was not better promoted in the past to assist in improving communication of processes to users.
- 3.52 The introductory information on overseas skills recognition on the AEI-NOOSR website currently states:

This page is intended to assist people with professional qualifications gained overseas who wish to gain recognition of their qualifications in Australia. It has been prepared by AEI-NOOSR, in consultation with relevant assessing authorities and provides general information on recognition requirements and procedures ...

Australian Skills Recognition Information through the Department of Immigration and Multicultural Affairs will help you find out how to get an assessment of occupational qualifications, skills or experience that you have gained overseas ...

If you would like the requirements and procedures for obtaining professional recognition for specific professions, please see the Individual Professions Guides ...

If your qualifications are acceptable for migration purposes this does not guarantee you employment in your profession in

Australia. That will depend on other factors, such as the number of vacancies available or your suitability for a particular job.<sup>37</sup>

- 3.53 Although this information contains a reference to ASRI, it duplicates ASRI's occupational specific information with its own 'individual professions guides' and, notably, concludes with no mention of licensing and registration affecting employment outcomes.
- 3.54 The duplication between the two sites raises several questions: are the individual professions guides on the AEI-NOOSR site still being maintained and updated, following the creation of the ASRI site; is this information consistent with the occupational information on the ASRI site; and, more particularly, why is there a need for this duplication of information?
- 3.55 As each of these sites provides occupation specific information, it is interesting to compare them for a particular occupation. Appendix E provides a comparison of the skills recognition information for physiotherapy, as outlined on the ASRI and AEI-NOOSR websites.
- 3.56 The Committee also notes that some of the states maintain websites containing detailed occupational specific information on overseas skills recognition. For example, the Queensland Government Department of Employment and Training provides a step-by-step guide for each profession on gaining assessment of overseas qualifications and the requirements for licensing and registration in Queensland, as well as information on bridging courses.<sup>38</sup>
- 3.57 With regard to the ASRI and AEI-NOOSR sites, the Committee is concerned about the potential for confusion for those accessing the different sites if the information provided is inconsistent or out of date and, most particularly, about the costs of maintaining this duplicatory information. The Committee would also encourage DIMA to work with the states and territories to promote the inclusion of a link to ASRI on the relevant state/territory websites, to ensure consistency.

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37 AEI-NOOSR website, <http://aei.dest.gov.au/aei/qualificationsrecognition/recognisingprofessionalqualifications/guidetoprofessionalrecognition/default.htm> (accessed 26 July 2006).

38 Department of Employment and Training Queensland website, [http://www.trainandemploy.qld.gov.au/client/jobs\\_and\\_careers/skills\\_recognition/os/professions/index.html](http://www.trainandemploy.qld.gov.au/client/jobs_and_careers/skills_recognition/os/professions/index.html) (accessed 26 July 2006).

### Recommendation 15

- 3.58 **The Committee recommends that the Departments of Immigration and Multicultural Affairs and Education, Science and Training work together to remove duplication between the Australian Skills Recognition Information and the Australian Education International-National Office of Overseas Skills Recognition websites – in particular, the occupation specific information.**

### Recommendation 16

- 3.59 **The Committee recommends that the Department of Education, Science and Training update the introductory information on overseas skills recognition on the Australian Education International-National Office of Overseas Skills Recognition website to include a reference to registration and licensing.**

## Closing the gap between migration assessment and employment assessment

- 3.60 As DIMA identified in its 2003 report, *Review of Settlement Services for Migrants and Humanitarian Entrants*, there are ‘perceptions of a “gap” between DIMIA’s skills assessment at visa application and later skills or trade recognition practices undergone in Australia’.<sup>39</sup>
- 3.61 Under the GSM program, skills stream migrants undergo pre-migration skills assessment through the assessing authorities. Assessing authorities provide assessments for migration purposes, not employment purposes. As the DIMA ASRI website states:

Please note that Skill Assessments are not an assessment of your suitability for employment ... Once you have had your skills assessed and visa granted this does not necessarily mean you can practise or be employed in your occupation in a particular state or territory of Australia.<sup>40</sup>

- 3.62 As the Productivity Commission also recently commented:

... further skills assessment might or might not be required after arrival in Australia. The situation differs across occupations,

39 DIMIA, *Report of the Review of Settlement Services for Migrants and Humanitarian Entrants*, p. 126.

40 DIMA website, <http://www.immi.gov.au/asri/background.htm> (accessed 26 July 2006).

professions and jurisdictions ... practical examinations might need to be completed onshore, additional training or practical experience in Australia could also be necessary, or specific state and territory based requirements might need to be satisfied.<sup>41</sup>

- 3.63 Similarly, DEST observed that, '[i]n some professions, such as accountancy and law, knowledge specific to Australian conditions is usually required for practice, and overseas-trained professionals may require additional training in order to be admitted to practice and/or gain employment'.<sup>42</sup> It is therefore not surprising that many participants to the inquiry commented on the misunderstanding of a number of migrants that, once they were assessed for migration purposes, when they came to Australia they thought they could immediately seek work in their particular field:

It is common for skills stream migrants that I have seen, to believe that the letter they received for migration purposes means that their skills are recognised in Australia and they can automatically commence work in their profession. They are often shocked to hear that they must seek recognition or licensing with recognised authorities and that it may be costly and time consuming and they must prove that they have the required skills.<sup>43</sup>

... the lack of clarity between assessment of skills and qualifications offshore for the purposes of visa grant and onshore for the purposes of gaining employment is an issue that is constantly raised with us by clients ...<sup>44</sup>

Lack of information about State-based registration and licensing requirements have impacted adversely on the employment outcomes of some migrants who have obtained assessment prior to migration.<sup>45</sup>

- 3.64 One witness even suggested that consideration should be given to a disclosure statement on these requirements that would 'need to be read and understood before migrants leave their country of origin'.<sup>46</sup>
- 3.65 The Committee maintains that there is a need for improved communication of additional post-arrival skills recognition and

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41 Productivity Commission, *Economic Impacts of Migration and Population Growth*, p. 179.

42 DEST, *Submission No. 91*, p. 21.

43 South Metropolitan Migrant Resource Centre, *Submission No. 99*, p. 1. See also, Centacare Cairns and Migrant Settlement Services, *Submission No. 3*, p. 1.

44 Ms Maddrell, Migrant Network Services, *Transcript of Evidence*, 23 November 2005, p. 31.

45 Western Australian Department of Education and Training, *Submission No. 20*, p. 4.

46 Mr Skilbeck, Migrant Settlement Services, *Transcript of Evidence*, 9 March 2006, p. 36.



registration/licensing requirements to potential migrants as part of the skilled migration process. This area adds a level of cost, complexity and uncertainty for potential migrants.

### **Recommendation 17**

- 3.66 **The Committee recommends that the Department of Immigration and Multicultural Affairs and the Department of Education, Science and Training (DEST), together with the assessing authorities overseen by DEST, continue to review the pre-migration information they provide on overseas skills recognition to ensure that:**
- **skills stream migrants understand they have only been assessed for migration purposes;**
  - **sufficient detail is provided on licensing, registration and professional membership requirements; and**
  - **additional information is provided on ways for potential migrants to build their employment readiness in Australia.**
- 3.67 Importantly, there is also a need to better align migration assessment and employment assessment so that a positive skills assessment for migration purposes better satisfies occupational skill requirements to practise. This is further discussed in Chapters 4 and 5.
- 3.68 DIMA, DEST, AEI-NOOSR and the assessing authorities generally advise applicants that there may be additional recognition processes involved post-migration. For example, the Council on Chiropractic Education Australasia (CCEA) states on its website:
- Candidates should be aware that successful completion of the CCEA Evaluation Process does not guarantee registration. Successful candidates may be required to fulfil additional requirements placed on them by the Registration Board in the State or Territory where they wish to practise. Candidates are advised to check with the Registration Board in the State or Territory where they wish to practise to ascertain if any additional requirements are necessary.<sup>47</sup>
- 3.69 However, the Committee asks whether anyone is monitoring this area – is anyone collecting data on the extent of the gap between migration assessment and employment assessment in terms of the delays and

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47 CCEA website, <http://www.ccea.com.au/Working%20in%20Australia/Working%20in%20Australia.htm> (accessed 26 July 2006).

difficulties posed by these additional post-arrival regulatory requirements? The Committee was concerned to hear that DEST, for example, in its oversight role, was not monitoring this area:

Assessing authorities approved by DEST and gazetted by the Minister for Immigration conduct assessments of skills and qualifications gained overseas for professional purposes to determine whether an applicant has suitable qualifications to be recognised and to work as a professional in Australia. Should they be accepted for migration, any further licensing or registration with a regulatory body is not a matter for DEST, but rather a matter for the professional body representing the industry. Assessing authorities approved by DEST undertake assessments for the purpose of skilled migration only.<sup>48</sup>

It does come to our attention when it has been an issue for individuals. We are in a situation where we can only write in reply and say that DEST has no involvement in any processes subsequent to migration assessments.<sup>49</sup>

- 3.70 From the evidence it received, the Committee was unable to determine if assessing authorities/professional bodies were monitoring this gap between migration assessment and employment assessment in any systematic or meaningful way.
- 3.71 This general 'washing of hands' of this problem is of concern. The Committee believes there needs to be some data collection on the experience of migrants in meeting registration, licensing or professional membership requirements subsequent to the skills assessment process, as there is currently no feedback of the critical information such data collection would provide into the skills recognition system as a whole. The Longitudinal Survey of Immigrants to Australia collects data on the utilisation of migrant skills and employment outcomes but does not collect detailed data on the extent to which regulatory requirements might contribute to **delaying** these outcomes.
- 3.72 As the New South Wales Government commented, there is 'a need for program planning to be informed by trend data in relation to post-arrival assessment outcomes for skill stream and other entrants who are required to obtain registration or a license post-arrival to practice their occupation, or seek membership of professional associations'.<sup>50</sup>
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48 DEST, *Submission No. 91*, p. 5.

49 Mr Zanderigo, DEST, *Transcript of Evidence*, 27 March 2006, p. 25.

50 New South Wales Government, *Submission No. 84*, p. 29.

## Recommendation 18

3.73 The Committee recommends that, as part of its long term research on migration outcomes, the Department of Immigration and Multicultural Affairs (DIMA) collect data, where privacy concerns allow, on:

- the experience of migrants in meeting registration, licensing and professional membership requirements, following completion of skills assessment processes; and
- any undue delays or other impediments to achieving successful employment outcomes because of these requirements.

DIMA should coordinate with the Department of Education, Science and Training and assessing authorities/professional bodies to assist in tracking this information.

## Greater consistency in licensing and registration

3.74 It is useful to define some terms at this point. 'Registration' and 'licensing' refer to a legal requirement to practise certain professions and trades. 'Membership' of a professional body or association, while not a legal requirement to practise, establishes an individual as a professional in their occupation and validates their credentials.<sup>51</sup> Like registration and licensing, membership of a professional body may be another form of regulation, as it is a formal requirement for some professions.

3.75 Depending on the jurisdiction and occupation, these regulatory arrangements may include 'requirements to register, obtain a licence, obtain a practising certificate or prove current competency', with some jurisdictions having 'annual requirements that must be met for ongoing registration' and others having a "'one-off" registration process'.<sup>52</sup> As DEWR commented, these regulatory requirements 'exist for public health and safety reasons or to reflect internationally accepted standards of practice'.<sup>53</sup>

3.76 Licensing and registration requirements are complicated by regulatory differences between the states and territories. This can lead to duplication of effort and differences in standards, and obstruct professional mobility

51 Iredale, *Skills Transfer: International Migration and Accreditation Issues*, p. 11.

52 Productivity Commission, *Evaluation of the Mutual Recognition Schemes*, Final Report, 2003, p. 6.

53 DEWR, *Submission No. 63*, p. 5.

and impose costs on those practising in more than one jurisdiction. As DIMA commented to the Committee:

Some occupations ... require the person to be licensed or registered in the state/territory they intend to work. This procedure has received some criticism, particularly where migrants relocate after their arrival, as states/territories do not necessarily recognise each others licensing/registration certificates.<sup>54</sup>

3.77 The Committee heard of many inconsistencies in regulatory requirements over the course of the inquiry, with the following comment being typical:

There is registration in Queensland, Tasmania and Victoria, though the registration is changing a little in Victoria because it has not really been an independent registration. It is becoming more in line with Tasmania and Queensland. A bill has been introduced in Western Australia to provide for registration. There has been registration for quite a long time in the Northern Territory for radiographers; they do not have radiation therapists. South Australia has licensing, New South Wales has licensing under the EPA and the ACT is looking at bringing in registration—I think they are fairly well advanced. Although there are some similarities in the registration acts, particularly between Queensland and Tasmania, and there will be with Western Australia, there are still enough differences to make it cumbersome.<sup>55</sup>

3.78 The Committee notes that important work has been conducted by COAG in this area. As one participant to the inquiry commented, '[t]he work that has been done by [COAG] on the recommendations for licensing and mutual recognition is really key to the success of streamlining overseas qualifications recognition'.<sup>56</sup> The Committee strongly endorses this point. Clearly, there is scope for a more uniform approach to licensing and registration arrangements between the states and territories and there needs to be a whole-of-government approach.

3.79 The Committee was pleased to hear the supportive comments from the states and territories for reforms in this area. As the Tasmanian Government commented:

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54 DIMA, *Submission No. 80*, p. 2.

55 Mr Hamilton, Australian Institute of Radiography, *Transcript of Evidence*, 24 November 2005, p. 82.

56 Ms O'Connor, South Australian Government, *Transcript of Evidence*, 14 November 2005, p. 23.

Tasmania supports reforms to ensure consistency and mutual recognition of arrangements for overseas skills recognition and associated issues of licensing and registration across all jurisdictions, not just for overseas trained and experienced people. At a broad level, this approach to standardising skills recognition processes is gaining support from States and Territories ...<sup>57</sup>

3.80 These issues will be further discussed in Chapters 4 and 5.

## Who is monitoring the assessing authorities?

*... there is no unifying oversight of the different systems of the assessment authorities that might lift the standards and force some consistency across the different authorities ...*<sup>58</sup>

3.81 DEST approves assessing authorities which assess the skills of professionals. The approval process is designed to ensure that 'the nominated professional body has the capacity to deliver effective professional qualifications assessment that is consistent with Australia's quality and standards and labour market interests'.<sup>59</sup> DEST also has responsibility for monitoring the assessment activities of these bodies. The department provided the Committee with details of its monitoring criteria for approved assessing authorities, which are as follows:

- Quality

All activities associated with the assessment and recognition process are fair, reliable, timely and of a consistently high standard.

- Professional standards

Assessments will reflect the standards of the profession in Australia, as recognised both by practitioners and employers.

- Legal requirements

All standards and processes adhere to Australian law. Note that applicants for assessments have recourse to the Australian legal system.

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57 Tasmanian Government, *Submission No. 77*, p. 3. See also Victorian Government, *Submission No. 100*, p. 19.

58 VisAustralia, *Submission No. 40*, p. 4.

59 DEST, *Submission No. 91*, p. 4.

- Government policy

Proposed assessment procedures have regard to the policy objectives lying behind the approval and gazettal of authorities.

- Client service

There is an easily understood, equitable and transparent process which includes review and appeal avenues offered to clients.

- Financial sustainability

The costs of assessments to clients should be determined on a not-for-profit cost-recovery basis.<sup>60</sup>

3.82 The Committee was particularly concerned with:

- how DEST monitors the areas listed above once a body is gazetted as an assessing body;
- the ongoing nature of DEST's interaction with the assessing authorities;
- DEST's overall monitoring compliance regime; and
- what action DEST takes if an assessing authority is not working effectively.

3.83 DEST clarified that, while the Migration Regulations 1994 confer upon it 'the ability to approve a body as the relevant assessing authority for an occupation', they do not provide 'any specific advice with regard to the ongoing monitoring or regulation of these authorities'. However, to ensure that assessing authorities maintain the standard of performance required by the approval process, 'DEST has assumed a monitoring role to be consistent with its obligations under the migration regulations'.<sup>61</sup>

3.84 DEST also admitted that, in the past, it had 'relied on a range of informal and formal mechanisms for monitoring the ongoing performance of assessing authorities'.<sup>62</sup> When asked by the Committee if there was any intervention by DEST if the processing for a particular authority was very slow, DEST commented: 'We do not have any legislative power to intervene in a regulatory sense, but it would be a matter of ongoing communication with that particular authority'.<sup>63</sup>

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60 DEST, *Submission No. 91*, p. 20.

61 DEST, *Submission No. 91c*, p. 1.

62 DEST, *Submission No. 91c*, p. 1.

63 Mr Cox, DEST, *Transcript of Evidence*, 27 March 2006, p. 24.

3.85 Importantly, when questioned further by the Committee about its monitoring arrangements, DEST responded that it was ‘moving to formalise the monitoring regime’:

The new regime will include formal assessment against the original approval criteria, a desk top audit of publicly available information including the authority’s relevant website, statistical analysis, site visits to selected assessing authorities and a brief annual report by DEST on the performance of the assessing authority against the original approval criteria.<sup>64</sup>

3.86 The Committee is concerned that it has taken DEST until this point to formalise the monitoring arrangements of assessing authorities. It believes that, had this role been undertaken more thoroughly and transparently in the past, some of the assessing authorities’ recognition processes might have been streamlined and made more consistent, to the benefit of users.

3.87 The Committee noted that there did not seem to be a clear feedback process for individuals wishing to raise concerns about assessing authorities with DEST.<sup>65</sup> In fact, the Committee wondered if clients with concerns about the process have been clear about who to contact, noting that DEST has no ‘specific regulatory power to affect the assessing authority’s appeal process’.<sup>66</sup>

3.88 The Committee believes that DEST should play a stronger role in monitoring the assessing authorities to ensure that they are delivering an efficient and effective service, to protect the interests of prospective migrants and ensure that the operations of the assessing authorities are not creating an unreasonable barrier to migration.

3.89 As well as undertaking overseas skills recognition for GSM program applicants in their role as ‘assessing authorities’, the peak professional bodies also undertake this role for groups outside the GSM program in their role as ‘professional bodies’. The Committee notes that, accordingly, there is a blurring of DEST’s monitoring role of assessing authorities in their dual role as professional bodies.

3.90 DEST monitors the performance of the assessing authorities in their skills assessment responsibilities under the GSM program, but who then monitors the performance of professional bodies in their skills assessment

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64 DEST, *Submission No. 91c*, p. 1.

65 DEST commented that it receives a ‘small number of complaints about assessing authorities, normally through representations by applicants to the Minister’, with six such representations since January 2005’, DEST, *Submission No. 91c*, p. 2.

66 DEST, *Submission No. 91c*, p. 4.

responsibilities outside of this program? As DEST clarified, the role that it delegates to professional bodies is 'in relation to their providing assessments under the Migration Act which allow people to apply for a visa'.<sup>67</sup> Performance monitoring and reporting outside of this area is a matter that is effectively with the professional bodies themselves.

- 3.91 While DEST commented that it 'also works with professional bodies to facilitate recognition of overseas-trained Australian professionals who did not enter the country through the General Skilled Migration Program', it therefore technically has no oversight role in this area.<sup>68</sup> The Committee regards this issue as currently unresolved and requiring further clarification.
- 3.92 DEST monitors quarterly statistical data provided by the assessment authorities to note trends in completion and approval rates. The department provided the Committee with a copy of some of this statistical data.<sup>69</sup> The Committee noted the low numbers of applications processed by some of the assessing authorities as being of concern in terms of efficiency and critical mass.
- 3.93 In this context, the Committee was concerned to hear from DEST that seven new assessment authorities were under consideration, covering teachers, child-care coordinators, hospital and retail pharmacists, urban and regional planners, audiologists, medical scientists and extractive metallurgists.<sup>70</sup> As discussed in Chapter 1, some rationalisation of assessing authorities may be desirable, to obtain some economies of scale in this process.
- 3.94 DEST further supports the assessing authorities through its *Good Practice Guide for the Assessment and Recognition of Overseas Qualifications and Skills for the Purposes of Migration*.<sup>71</sup> This brief document includes sections on assessment criteria, payment for assessment services, client service and appeals. DEST also conducts an annual conference so that assessing authorities can exchange information and address common issues of concern.

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67 Mr Zanderigo, DEST, *Transcript of Evidence*, 27 March 2006, pp. 24-25.

68 DEST, *Submission No. 91*, p. 4.

69 See DEST, *Submission No. 91c*, p. 3.

70 See DEST, *Submission No. 91c*, p. 3.

71 DEST, *Good Practice Guide for the Assessment and Recognition of Overseas Qualifications and Skills for the Purposes of Migration*, 2006.



**Recommendation 19**

- 3.95 The Committee recommends that the Department of Education, Science and Training increase the transparency of its monitoring arrangements and foster improvements in procedures by:
- a) immediately formalising its monitoring of assessing authorities, including establishment of an annual reporting arrangement, and communicating details of the full scope of this role to all stakeholders;
  - b) arranging for a statement clarifying full details of its monitoring role to appear on the Australian Skills Recognition Information website, with a contact point for complaints handling;
  - c) working with the professional bodies to agree on appropriate monitoring, reporting and accountability arrangements to cover overseas skills recognition processes undertaken by these bodies for other groups with overseas qualifications (family stream migrants et cetera) outside of the skilled migration stream, with these arrangements to be communicated to all stakeholders; and
  - d) arranging for the performance and other statistical reporting data it collects from the assessing authorities, where privacy concerns allow, to be made publicly available.

**Recommendation 20**

- 3.96 The Committee recommends that the Department of Immigration and Multicultural Affairs include a link on the Australian Skills Recognition Information website to the Department of Education, Science and Training's *Good Practice Guide for the Assessment and Recognition of Overseas Qualifications and Skills for the Purposes of Migration*.



*I came to discover that the process is not that short when someone is working for an overseas qualification to be recognised in Australia. I found that the road map is too wide and very complex. It is like a tangled web. You cannot find where point A and point B are. Even if you identify point A, in the middle people do not know which side you are supposed to go. So you are either referred back to where you started or you cannot go past where you have ended up.<sup>1</sup>*

## Professions: skills recognition issues

### Introduction

- 4.1 This chapter examines the current processes by which overseas professional qualifications are assessed, both for skills stream migrants prior to migration and for those already in Australia. Taking into account the recent Council of Australian Governments (COAG) initiative to implement separate skills accreditation arrangements for the health professions, it is useful for the purposes of this discussion to divide the professions into three groups: health professions, non-health related professions and generalist occupations.
- 4.2 The organisations/entities currently responsible for overseas skills recognition for the professions in Australia can therefore be broadly summarised as follows:

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<sup>1</sup> Dr Masika, Migrant Resource Centre of South Australia, *Transcript of Evidence*, 14 November 2005, p. 31.

- Health professions: assessing authorities/professional bodies for all groups requiring overseas skills recognition, noting that individuals also need to meet regulatory requirements to practise.<sup>2</sup>
- Non-health related professions: assessing authorities/professional bodies for all groups requiring overseas skills recognition, noting that individuals may also need to meet regulatory requirements to practise. In some cases, employers may also provide 'recognition' as it is not always necessary for individuals with overseas qualifications who are already in Australia (family stream migrants, humanitarian entrants et cetera) and who wish to work in some of these professions to have their qualifications formally recognised in order to obtain employment.<sup>3</sup>
- Generalist occupations: Vocational Education Training and Assessment Services (VETASSESS) for skills stream migrants for migration purposes and employers for other individuals with overseas qualifications who are already in Australia (families of skills stream migrants et cetera).<sup>4</sup> Membership of a professional body may also be required for employment.

4.3 The first part of Chapter 4 looks at some general issues relating to overseas skills recognition in the professions. The Committee received submissions and took evidence relating to 21 professions. Figure 4.1 provides a list of the professional bodies and individuals who contributed in this regard.<sup>5</sup>

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2 As discussed, COAG recently announced the creation of new national accreditation and registration bodies for the health professions which will affect current arrangements in this area.

3 Often, they can apply directly for employment and the employer will decide whether or not to 'recognise' their overseas training and experience, with this decision based on the employer's assessment of their work experience and competencies as much as their formal qualifications.

4 See footnote above.

5 These bodies and individuals also commented on more general issues relating to Committee's terms of reference. These concerns have been considered in other sections of the report.

Figure 4.1 Submissions and evidence at public hearings on the professions

*Accountancy*

- Certified Practising Accountants Australia (public hearing and submission)

*Anaesthetists*

- Dr Peter Mulrooney (public hearing and submission)
- The Australian and New Zealand College of Anaesthetists (public hearing)

*Architecture*

- Architects Accreditation Council of Australia (submission)

*Chiropractic*

- Dr Abbie Wilson (public hearing)
- Council on Chiropractic Education Australasia (public hearing and submission)

*Community work*

- Australian Institute of Welfare and Community Workers (submission)

*Computing*

- Australian Computer Society (public hearing and submission)

*Dental*

- Australian Dental Association (public hearing and submission)
- Australian Dental Council (submission)

*Engineering*

- Engineers Australia (public hearing and submission)
- Association for Consulting Engineers Australia (submission)
- Australian Licensed Aircraft Engineers Association (submission)

*Law*

- Law Society of South Australia (submission)

*Library management*

- Australian Library and Information Association (submission)

*Osteopathy*

- Osteopaths Registration Board (submission)

*Medical science*

- Australian Institute of Medical Scientists (submission)

*Medical*

- Australian Medical Council (public hearing and submission)
- Australian Division of General Practice (submission)

*Nuclear medicine*

- Australian and New Zealand Society of Nuclear Medicine (submission)

*Nursing*

- Australian Nursing and Midwifery Council (submission)

*Pharmacy*

- Australian Pharmacy Examining Council (submission)

*Physiotherapy*

- Ms Emanuela Canini (public hearing and submission)
- Australian Council of Physiotherapy Regulating Authorities (public hearing)

*Planning*

- Planning Institute Australia (submission)

*Radiography*

- Australian Institute of Radiography (public hearing and submission)

*Teaching*

- Teachers Registration Board of South Australia (submission)

*Veterinary*

- Australian Veterinary Board Council (public hearing and submission)

- 4.4 The Committee acknowledges the sometimes highly detailed occupational specific concerns about skills recognition procedures raised in this evidence. While many of the matters dealt with in this report do address some of these more specific occupational concerns, the Committee believes they should also be carefully considered by the body responsible for monitoring the assessing authorities.

**Recommendation 21**

- 4.5 **The Committee recommends that the Department of Education, Science and Training, as part of its monitoring of assessing authorities, review the occupational specific concerns relating to overseas skills assessment procedures raised in the evidence in Figure 4.1 and, as appropriate, address those concerns, with a report back to the Committee.**
- 4.6 Chapter 4 then looks at the health professions, before turning to the non-health related professions, including the generalist occupations assessed by VETASSESS. There is not scope in this report for a detailed examination of skills recognition procedures for each individual profession. Instead, based on the evidence the Committee

received, the report considers a number of case studies to focus on issues of concern – in particular, the medical profession (doctors and specialists), physiotherapy, chiropractic, accountancy, engineering and computing.

- 4.7 By way of background to this discussion, the Australian Education International (AEI) website provides a useful summary of regulatory arrangements across the professions:

Each occupation, or group of occupations, has its own distinct pathway to recognition as a professional in Australia. The level of regulation in place largely determines the process. Based on this criterion, professions can be grouped into three categories: regulated by law, self-regulating and unregulated.

The group of professions regulated by law includes health related professions, veterinary science, and architecture. An applicants' eligibility to practise in these professions is determined on the basis of prescribed examinations.

Applicants must successfully pass the examinations to qualify for registration by State and Territory Registration Boards. In some cases applicants must undertake a period of practical experience as part of the recognition process.

In self-regulating and unregulated professions, assessments may include competency based assessments and/or assessments based on qualifications. In some professions, such as accountancy and law, additional training in Australia is usually required.<sup>6</sup>

- 4.8 Many of the assessing authorities/professional bodies also have their own individual mutual recognition arrangements with various countries on overseas skills recognition. The Committee notes that there are many inconsistencies in this area. As the Department of Immigration and Multicultural Affairs (DIMA) commented, 'Given that we are still having mutual recognition problems amongst the states, having mutual recognition arrangements with other countries is just another level of difficulty'.<sup>7</sup> These sorts of arrangements represent an important opportunity to streamline skills recognition processes. Chapter 6 discusses this issue.

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6 AEI website, <http://aei.dest.gov.au/AEI/QualificationsRecognition/RecognisingProfessionalQualifications/GuideToProfessionalRecognition/AustAssesAuth.htm> (accessed 31 July 2006).

7 Mr Rizvi, DIMA, *Transcript of Evidence*, 5 September 2005, p. 19.

## General issues

### Skills mobility

- 4.9 Regulation protects standards and quality but can also impede skills recognition and mobility. Domestic regulatory requirements through various licensing, registration and professional membership arrangements affect overseas skills recognition in terms of consistency, complexity and cost and they impact on the mobility of overseas skilled workers across Commonwealth and state/territory jurisdictions. The other area of regulation of interest here is that governing Australia's national training system.
- 4.10 The Australian vocational education and training system operates under a mix of Commonwealth government and state and territory government legislation. Similarly, occupational licensing and registration is administered by a wide range of state, territory and national bodies, depending on the sector.
- 4.11 The Australian Quality Training Framework, as discussed in Chapter 2, seeks to establish a nationally consistent vocational education and training system. The question this raises is to what extent there has been progress on a nationally consistent licensing and registration system.
- 4.12 The Regulation Taskforce report, *Rethinking Regulation*, made two major recommendations relevant to this area. Firstly, it recommended that COAG's work on mutual recognition and improving the effectiveness of the national training system in trade related occupations 'could be usefully extended to include the professions and para-professionals such as lawyers, veterinarians and nurses'.<sup>8</sup>
- 4.13 Secondly, it recommended that COAG should consider measures to 'align the national training system with occupational licensing and registration regulations, including the development and adoption of minimum effective national standards for licensing and registration across a range of industries and sectors'.<sup>9</sup> As the taskforce stated:

The ability of Australian businesses to attract skilled workers  
and the mobility of skilled workers across Australian

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8 Regulation Taskforce, *Rethinking Regulation: Report of the Taskforce on Reducing Regulatory Burdens on Business*, p. 42.

9 Regulation Taskforce, *Rethinking Regulation: Report of the Taskforce on Reducing Regulatory Burdens on Business*, p. 43.



jurisdictions underpin a well-functioning labour market and productivity growth. A common theme across a range of submissions was the way various occupational licensing regimes effectively undermine these requirements.<sup>10</sup>

4.14 This issue was also raised with the Committee:

Cross-border mobility for a number of professional occupations continues to be impeded by differences in training and the assessment of skills and knowledge, and variations in the occupational licensing and regulatory requirements between jurisdictions. The lack of consistency presents an impediment to the mobility of skilled labour to address current skills shortages in the Northern Territory.<sup>11</sup>

4.15 As will be discussed later in this chapter, the Committee supports COAG's initiative for the creation of national accreditation and registration bodies for the health professions. For the non-health professions, the Committee has recommended continuation of the existing arrangements but with greater oversight by the Department of Education, Science and Training (DEST) and for the VETASSESS contract to also be managed by DEST. However, the Committee notes the Regulation Taskforce recommendation, discussed above, that COAG's work in this area could be usefully extended to include other (non-health related) professions.

4.16 The Committee emphasises that there is a need for the Department of Employment and Workplace Relations (DEWR), DIMA and DEST to monitor licensing, registration and professional membership requirements in the overseas skills recognition arrangements for the non-health related professions to ensure they do not become an impediment to more streamlined arrangements.

## Consistency

4.17 The Committee noted a lack of consistency in approach amongst the assessing authorities/professional bodies in their overseas skills recognition procedures. As the Queensland Government observed:

Some assessing authorities provide a positive skill assessment that indicates an applicant is suitable for migration. However,

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10 Regulation Taskforce, *Rethinking Regulation: Report of the Taskforce on Reducing Regulatory Burdens on Business*, p. 41.

11 Northern Territory Government, *Submission No. 93*, p. 8.

upon arrival further assessment or licensing is required. Other assessing authorities do not provide a positive skill assessment until the applicant can meet registration requirements. This requires the applicant to initially seek entry under an alternate visa in order to achieve the practical and theory requirements.<sup>12</sup>

4.18 The assessment procedure for some of the assessing authorities for the health professions may involve a multiple choice exam that can be taken offshore and a clinical exam/practical competency assessment that must be completed onshore. Of concern to the Committee, however, were examples of:

- multiple choice and other written exams that cannot be taken offshore, with individuals having to come to Australia twice to undertake written and clinical sets of exams (Australian Medical Council); and
- inconsistencies in the assessment processes made available to residents and non-residents and lack of onshore clinical assessment processes for all applicants (Australian Institute of Radiography).

4.19 Under current AMC procedures there is a computer administrated examination and a clinical examination and people have to come to Australia to undertake those exams. The AMC provided the Committee with some history on the multiple choice exam not being available overseas, noting that it is currently implementing new arrangements to address this:

Up until 1995 we used to conduct those examinations in 43 centres simultaneously overseas with the Australian centres. We were asked at that time, in 1995, through the Commonwealth Department of Health to cease doing that ... We currently are working with the Medical Council of Canada in a joint project to reactivate overseas examinations. The plan is to pilot it in July this year in Hong Kong and Singapore, and in November to do it in about 10 or 12 centres overseas but with the capacity to go out to about 160 countries overseas. The stage one examination of ours will be offered by computer in overseas centres before they come here.<sup>13</sup>

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12 Queensland Government, *Submission No. 83*, p. 11.

13 Mr Frank, AMC, *Transcript of Evidence*, 24 May 2006, p. 6.

- 4.20 The Committee was pleased to note this development, which will also address concerns about applicants having to travel to Australia twice for examination procedures for skills assessment. As one witness outlined to the Committee:

This means that applicants have to actually travel to Australia twice within 12 months – they have to come in, do the written examination and go back home, then come back within 12 months and do the practical examination ... On average, every single person has to [undergo the process] probably three times before they pass both examinations. Each time they have to apply for short-term visas, three-month visas, to come in, do the exams, stay in hotel rooms and come and go back.<sup>14</sup>

- 4.21 The Committee noted inconsistencies in the Australian Institute of Radiography skills recognition processes available to residents and non-residents. As the Australian Institute of Radiography stated:

If an applicant is resident in Australia at the time of application and their academic qualifications and clinical experience does not meet the required level for recognition and accreditation, they may be offered a Clinical Based Assessment as a further assessment tool.<sup>15</sup>

- 4.22 Lack of equal access to a clinical assessment for offshore applicants as compared to residents raises issues of equity and fairness. Further, it appears that the assessment process for radiography, pre-migration, does not involve an onshore clinical component: 'We do not test overseas based people, no'.<sup>16</sup> Such a practice has the potential to create a large gap between migration assessment and employment assessment for this group of people, if on arrival in Australia they cannot meet registration requirements in their area of work.
- 4.23 While the Committee notes the difficulties associated with onshore clinical assessment processes (time, cost, temporary visas), many other assessing authorities in the health area include this assessment component (AMC, ACOPRA). When further prompted about this area, the Australian Institute of Radiography responded:

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14 Mrs Johannessen, Migration Institute of Australia, *Transcript of Evidence*, 23 November 2005, p. 52.

15 Australian Institute of Radiography, *Submission No. 8*, p. 2.

16 Mr Hamilton, Australian Institute of Radiography, *Transcript of Evidence*, 24 November 2005, p. 80.

There are some who get rejected and we know that if they were a resident in Australia then we would probably offer them a clinically based assessment. But we just cannot offer it because they are not going to fly out or whatever to try and get a visa. They cannot get a visa, because it is just too complicated. But if there was that facility, there would be a few we could possibly assess that way ...

You could even do a preliminary assessment and identify particular ones where, if they were issued with a temporary visa, they would be assessed. You would not bring them without some indication.<sup>17</sup>

- 4.24 Another inconsistency is that some assessing authorities provide a positive skills assessment for migration but further professional recognition is required post arrival before an individual can seek employment – for example, a mandatory period of work experience. As the Architects Accreditation Council of Australia informed the Committee:

The period of training through experience is a requirement for registration to ensure that architects enter the profession with adequate knowledge and understanding of the practice of architecture in Australia. The minimum period of practice training is two years, one of which must be subsequent to completion of a recognised academic qualification. In the case of the overseas trained, credit may be obtained for relevant overseas experience, however at least one year's experience must be completed in Australia ...

Persons wishing to migrate to Australia under the General Skilled Migration Categories are not required to fulfil any of the other requirements for registration in Australia prior to arriving here.<sup>18</sup>

- 4.25 There are also inconsistencies in the matching of occupations and assessing authorities. Some undertake assessment for certain professions listed on the SOL but not for others that are seemingly directly related. For example, the Australian Institute of Welfare and Community Workers (AIWCW) pointed out to the Committee that, while they are the assessing authority for welfare work, they are not the assessing authority for similar professions listed on the SOL such
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17 Mr Hamilton, Australian Institute of Radiography, *Transcript of Evidence*, 24 November 2005, p. 80 and p. 81.

18 Architects Accreditation Council of Australia, *Submission No. 36*, p. 3 and p. 4.

as community worker, family support worker and youth worker, even though 'it seems logical that they should be assessed by the same authority that assesses the Welfare professionals'.<sup>19</sup>

## Recommendation 22

- 4.26 **The Committee recommends that the Department of Education, Science and Training review inconsistencies in the skills assessment procedures of assessing authorities, with reference to the first section of Chapter 4 of the Committee's report, and work with assessing authorities to remove such inconsistencies, where appropriate, to ensure efficient and effective assessment processes.**

## Completion times for assessments

- 4.27 The time required to complete overseas skills assessments was raised as an issue across many professions.<sup>20</sup> The Committee heard of a range of completion times in this respect. For example:

In the year from July 2004 to June 2005, 100 were accredited. In my discussions with the Dental Council, it was indicated to me that it customarily takes about two years for the applicant to get to that stage.<sup>21</sup>

As far as the AIWCW is concerned, the skills assessment and recognition of overseas qualifications for welfare workers is working efficiently and without any hassles. Where the applicant provides all the information required, an assessment is generally completed within 10 working days of its receipt.<sup>22</sup>

- 4.28 Obviously, there are significant differences between these professions and also between the assessment processes undertaken, but these varying assessment completion times are of interest to the Committee.

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19 Australian Institute of Welfare and Community Workers, *Submission No. 55*, p. 3. These professions are assessed by VETASSESS.

20 See, for example, Migration Institute of Australia, *Submission No. 34*, pp. 13-14 and Ms Canini, *Submission No. 105*, p. 21.

21 Mr Boyd-Boland, Australian Dental Association, *Transcript of Evidence*, 23 November 2005, p. 62.

22 Australian Institute of Welfare and Community Workers, *Submission No. 55*, p. 1.

**Recommendation 23**

- 4.29 **The Committee recommends that the Department of Education, Science and Training review assessment completion times across all the assessing authorities with a view to expediting decisions.**

**Assessment fees and failure rates**

- 4.30 A number of participants to the inquiry commented on the costs of overseas skills recognition.<sup>23</sup> There were also comments about high failure rates.<sup>24</sup>
- 4.31 There is not scope in this report to review assessment fees across the various assessing authorities, but the Committee noted some significant variations in this regard. (The assessing authorities' fees for assessments are determined on a not-for-profit basis.)
- 4.32 The Committee also noted how high failure rates contributed to people's costs, with many applicants needing to resit exams under some assessment regimes across the professions and therefore attracting larger expenses. As the Australian Dental Association commented:
- About 40 per cent, I am told, passed the preliminary examination, which is the major measure of who is suitable to progress. Fifty per cent passed each clinical examination, which is the final examination, but people are able to resit that examination and I am told that about 90 per cent eventually complete that clinical examination.<sup>25</sup>
- 4.33 At the higher end of fees charged, representatives from the Australasian Veterinary Boards Council commented that the current cost of the clinical exam as part of the overseas skills assessment process for the profession was \$6,000, with the theory exam costing another \$2,400:

On the other hand, Massey University in New Zealand carries out the clinical exam as a public service, and the fee is half of what we charge. If I were an overseas graduate, I would do

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23 See, for example, Migration Institute of Australia, *Submission No. 34*, pp. 13-14.

24 See, for example, Ms Canini, *Submission No. 105*, p. 19 and p. 21.

25 Mr Boyd-Boland, Australian Dental Association, *Transcript of Evidence*, 23 November 2005, p. 62.

the exam in New Zealand and come across on the trans-Tasman treaty.<sup>26</sup>

- 4.34 The Migration Institute of Australia also provided the Committee with some comparative data on fees across the assessing authorities, noting that, of the professions it had examined, optometry and dentistry had among the highest exam costs, at \$5,000 and \$5,310 respectively.<sup>27</sup>

### Recommendation 24

- 4.35 **The Committee recommends that the Department of Education, Science and Training (DEST) monitor assessment fees and work with assessing authorities to ensure these fees are reasonable and have been determined on a not-for-profit basis. DEST should also monitor exam failure rates and work with assessing authorities to address, as appropriate, any significant anomalies in this area.**

## Health professions

- 4.36 Health professionals include doctors and specialists, nurses, midwives, physiotherapists, podiatrists, pharmacists, psychologists, occupational therapists, dentists, radiographers and optometrists. Generally, people must be registered before they can practise in these occupations.
- 4.37 There are increasing workforce shortages across a number of health professions and an increasing dependence on overseas trained health workers. These shortages are more acute in rural and remote areas. With an ageing population, the demand for health workforce services will increase while the labour market will tighten. It is therefore critical to increase the efficiency and effectiveness of the available health workforce and improve its distribution, while maintaining safe health outcomes.
- 4.38 The Committee shares the concerns of participants to the inquiry that in considering changes to Australia's overseas skills recognition arrangements the quality and safety of health services provision in Australia must not be compromised.

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26 Dr Strous, Australasian Veterinary Boards Council, *Transcript of Evidence*, 24 November 2005, p. 88.

27 Migration Institute of Australia, *Submission No. 34*, p. 14.

4.39 Skills recognition processes and regulatory arrangements across the health professions are complex:

- The Australian, State and Territory Governments are involved in all of the key parts of the health workforce system, and often at several levels.
- There are more than 20 bodies involved in accrediting health workforce education and training, and over 90 registration boards.
- A host of professional bodies administer codes of conduct which complement formal regulation, or provide for self-regulation.<sup>28</sup>

4.40 Given the recent work by the Productivity Commission in reviewing Australia's health workforce, as well as the major COAG initiatives under way in this area, this section of the report will limit itself to the following:

- a brief outline of the Productivity Commission findings and COAG initiatives;
- case studies on skills recognition for doctors, anaesthetists and physiotherapists; and
- consideration of issues raised concerning other health professions, such as chiropractic.

4.41 In reviewing a topic as broad as overseas skills recognition across the health professions, this report has by necessity been selective. The Committee was reluctant to duplicate recent reviews, such as those discussed below, covering aspects of this area.

## Productivity Commission report on Australia's health workforce

4.42 The Committee took particular note of the recent Productivity Commission report, *Australia's Health Workforce*. The report recommendations relevant to this inquiry are listed in Figure 4.2. Health professionals are not regulated at a national level but, rather, by each state and territory. As the Productivity Commission report indicates, this has created problems in terms of skills recognition processes for overseas trained health professionals.

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28 Productivity Commission, *Australia's Health Workforce*, Research Report, January 2006, p. xix.



Figure 4.2 Productivity Commission recommendations on accreditation and registration

**RECOMMENDATION 6.1**

The Australian Health Ministers' Conference should establish a single national accreditation board for health professional education and training.

- The board would assume statutory responsibility for the range of accreditation functions currently carried out by existing entities.
- VET should be included as soon as feasible, although there are grounds for excluding it until the new arrangement is implemented and operating successfully in other areas.
- Collectively, board membership should provide for the necessary health and education knowledge and experience, while being structured to reflect the public interest generally rather than represent the interests of particular stakeholders.
- Initially, at least, the board could delegate responsibility for functions to appropriate existing entities, on terms and conditions set by the board. Such entities should be selected on the basis of their capacity to contribute to the overall objectives of the new accreditation regime.

**RECOMMENDATION 6.2**

The new national accreditation board should assume statutory responsibility for the range of accreditation functions in relation to overseas trained health professionals currently carried out by existing profession based entities.

**RECOMMENDATION 7.1**

When a health professional is required to be registered to practise, that should be on the basis of uniform national standards for that profession.

- Education and training qualifications recognised by the national accreditation board should provide the basis for these national registration standards.
- Any additional registration requirements should also be standardised nationally.
- Flexibility to cater for areas of special need, or to extend scopes of practice in particular workplaces, could be met through such means as placing conditions on registration, and by delegation and credentialing.

**RECOMMENDATION 7.2**

The Australian Health Ministers' Conference should establish a single national registration board for health professionals.

- Pending the development and adoption of national registration standards by the new board, the board should subsume the operations of all existing registration boards and

entities, including the authority to impose conditions on registration as appropriate.

- The new board should be given authority to determine which professions to register and which specialties to recognise.
- Initially, however, the new board should cover, at a minimum, all professions which currently require registration across the eight jurisdictions.
- Membership of the board should contain an appropriate mix of people with the necessary qualifications and experience, and be constituted to reflect the broader public interest rather than represent the interests of particular stakeholders.
- Profession specific panels should be constituted within the board to handle matters such as the monitoring of codes of practice and those disciplinary functions best handled on a profession specific basis.

#### RECOMMENDATION 7.3

The new national registration board should consider and determine the circumstances in which more explicit specification of practitioner delegation arrangements would be appropriate.<sup>29</sup>

## COAG initiatives

- 4.43 In July 2006, COAG responded to the Productivity Commission report on *Australia's Health Workforce* and agreed to all the recommendations listed above.<sup>30</sup> COAG's response is provided at Figure 4.3.
- 4.44 As the Productivity Commission commented, the new national accreditation board would also 'be responsible for developing a national approach for the assessment of the education and training qualifications of overseas trained health workers'.<sup>31</sup>

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29 Productivity Commission, *Australia's Health Workforce*, pp. xxxix-xli.

30 Council of Australian Governments' Meeting, 14 July 2006, COAG's response to the Productivity Commission report, Appendix A, [http://www.coag.gov.au/meetings/140706/docs/attachment\\_a\\_response\\_pc\\_health\\_workforce.rtf](http://www.coag.gov.au/meetings/140706/docs/attachment_a_response_pc_health_workforce.rtf) (accessed 31 July 2006).

31 Productivity Commission, *Australia's Health Workforce*, p. xxiv.

Figure 4.3 COAG's response to the Productivity Commission report

In order to facilitate workforce mobility, improve safety and quality, and reduce red tape, COAG has agreed to establish by July 2008 a single national registration scheme for health professionals, beginning with the nine professions currently registered in all jurisdictions. COAG has agreed to undertake consultation with stakeholders on its preferred model of a national cross-professional registration body which would also involve health professions participating in the scheme's governance through profession-specific panels and committees ...

COAG further agreed to establish by July 2008 a single national accreditation scheme for health education and training, in order to simplify and improve the consistency of current arrangements. COAG has agreed to undertake consultation with stakeholders on its preferred model for the scheme which would ensure that accreditation activities retain and draw on essential health profession-specific expertise ... Both the national registration scheme and national accreditation scheme would be self-funding, with establishment costs jointly funded by the Commonwealth and the States and Territories.

COAG also agreed that health ministers will implement initiatives to establish by December 2006 a national process for the assessment of overseas-trained doctors.<sup>32</sup>

- 4.45 Further information on COAG's decisions regarding the national accreditation and registration boards is at Appendix F. However, the Committee notes that many of the details of these arrangements are still to be worked out.
- 4.46 The Committee supports the COAG initiatives to create national bodies for accreditation and registration in the health professions. It is envisaged that these bodies will promote a nationally uniform approach to the regulation of health workers, so reducing administration and compliance costs and barriers to the movement of health professionals within Australia and to overseas skills recognition.

### Recommendation 25

- 4.47 **The Committee recommends that Commonwealth agencies involved in implementing the new accreditation body for the health professions clarify as soon as possible how the development of a national approach for the assessment of the education and training qualifications of overseas trained health workers will impact on the current roles of the**

32 COAG, *Communique*, 14 July 2006.

**assessing authorities/professional bodies in this area, as well as on the Department of Education, Science and Training in its monitoring role for these authorities.**

## Medical profession

*This is not an area that lends itself particularly well to what you might call sudden reversals of policy. Unfortunately it has been an area that has been characterised by that in a lot of different aspects of what is going on, at both state and federal level. It is a really complex piece of machinery. If we are going to start tinkering with it, we would need to be very careful about what we are doing.*<sup>33</sup>

4.48 The Department of Health and Ageing (DHA) noted that overseas trained doctors (OTDs) now constitute 'around 25 per cent of the overall medical workforce and a significantly higher percentage of doctors in rural and remote areas'.<sup>34</sup>

4.49 There are clearly ethical issues involved in recruiting OTDs, given that medicine is a highly trained profession and there is a worldwide shortage of doctors. DHA confirmed to the Committee that there are appropriate arrangements in place in Australia to restrict the recruitment of OTDs from developing countries:

I should make it clear that we abide by the Commonwealth code of conduct for international recruitment. We do not seek to actively recruit in developing countries or countries where the workforce is critical.<sup>35</sup>

4.50 Issues about skills recognition processes for OTDs have been discussed at length over a multitude of reports,<sup>36</sup> including:

- *Problems Encountered by Overseas-trained Doctors Migrating to Australia*, M. Kidd and F. Braun, Report to the Bureau of Immigration and Population Research, Canberra, 1992.

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33 Mr Frank, AMC, *Transcript of Evidence*, 24 May 2006, p. 16.

34 Productivity Commission, *Australia's Health Workforce*, p. 127.

35 Ms Larkins, Department of Health and Ageing, *Transcript of Evidence*, 27 February 2006, p. 13. See also Mr Frank, AMC, *Transcript of Evidence*, 24 May 2006, p. 7 and Mr Boyd-Boland, Australian Dental Association, *Transcript of Evidence*, 23 November 2005, p. 63.

36 The AMC provided a detailed history of this area in its submission to the Committee, *Submission No. 44*, pp. 3-9.

- *The Race to Qualify: Report of the Committee for the Review of Practices for the Employment of Medical Practitioners in the NSW Health System*, October 1998.
- *Temporary Resident Doctors in Australia: Distribution, Characteristics and Role*, Australian Medical Workforce Advisory Committee Report 1999, June 1999.
- *Overseas Trained Doctors in the Victorian Public Hospital System*, Postgraduate Medical Council of Victoria, May 2002.
- *Position Statement on Overseas Trained Doctors*, Australian Medical Association, June 2004.
- *Review of Specialist Medical Colleges*, Report to Australian Health Ministers, Australian Competition and Consumer Commission and Australian Health Workforce Officials Committee, July 2005.
- *Australia's Health Workforce*, Research Report, Productivity Commission, December 2005.

4.51 The current arrangements for assessing the skills of OTDs also gained increased attention following the surgical practices of Dr Jayant Patel at Bundaberg Base Hospital over 2003-05.<sup>37</sup>

### Skills assessment of OTDs

- 4.52 Before practising in Australia, all doctors must first obtain registration from the medical board in the state or territory in which they wish to work. The registration of medical practitioners in Australia is a state responsibility and is regulated by separate legislation in each state and territory.
- 4.53 Eligible doctors receive either unconditional (full/general) registration or conditional registration. OTDs who do not have full medical registration in Australia or have not completed the standard pathway for specialist assessment or the standard pathway for general practitioner assessment, through the AMC (Australian Medical Council) and specialist colleges, but who are prepared to work in an 'area of need', as designated by a state or territory health authority, may be eligible for conditional registration with the state and territory medical boards. As the AMC commented:

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<sup>37</sup> See Bundaberg Hospital Commission of Inquiry, *Interim report*, Queensland Government, 10 June 2005.

Although a measure of national consistency had been achieved with the 1991 Health Ministers decision, each State and Territory retained discretionary provisions under their individual Acts, to grant registration with conditions to individual medical practitioners, who did not meet the agreed national standards for independent practice, in circumstances where it was deemed by the relevant Board to be “in the public interest”. This category, which is also known as “area of need” registration, was to increase in significance as the numbers of area of need positions increased from some 600 in 1992 to over 4000 in 2002/2003 ...<sup>38</sup>

- 4.54 While Australia therefore has a rigorous assessment process for OTDs through the AMC pathway, as the Committee heard, ‘there appears to be a significant number of overseas trained specialists, particularly in Area of Need positions, who have been registered but have never lodged an assessment application with the AMC’.<sup>39</sup> As the AMC further stated:

There is a large cohort of those people who are coming through the system and are being registered to our knowledge without anybody having assessed their skills at all ... There has got to be an indeterminate number of people who are being put into positions with either little or no formal assessment of their capacity to function. I am not talking about their academic competence. I am talking about their capacity to actually work in the health care system.<sup>40</sup>

- 4.55 The AMC’s comments here are of great concern to the Committee – see Figure 4.4 for further commentary by the AMC on this area.

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38 AMC, *Submission No. 44*, p. 5.

39 AMC, *Submission No. 44*, p. 9.

40 Mr Frank, AMC, *Transcript of Evidence*, 24 May 2006, p. 11. Australian researcher Dr Birrell has also commented on this area: ‘With the exception of some senior specialists, OTDs from NESB countries who have been selected to fill ‘area of need’ positions have not been required to undergo a formal assessment of their English skills, medical knowledge or clinical capacity’, ‘The aftermath of Dr Death: has anything changed?’ *People and Place*, Vol. 13, No. 3, 2005, p. 54.

Figure 4.4 AMC commentary: who is assessing temporary resident OTDs?

If you take a look at the total number of 4,000 temporarily resident doctors that we have got in the country at the moment, and we assume that something like two-thirds of those are cycling – that is, that some of those are here for more than 12 months so that not all of them will turn over within that 12-month period – but let us say about 3,000 maybe are turning over, all the data that we are getting from the Commonwealth and the input from these people tells us about 25 per cent of those guys are going to be specialists. We know from the figures that we are seeing that only about a third of those specialists are coming through our assessment pathways.

We do not know what happens to the other two-thirds. We know that some of them are being badged as occupational trainees and so they are not appearing on anybody's statistics as being part of the area of need workforce, but they are actually physically in the hospitals and become part of the hospital workforce. But they are not figures that you can pinpoint very clearly. There is a large cohort of those people who are coming through the system and are being registered to our knowledge without anybody having assessed their skills at all. They may have done a paper review of them and that may be okay. That may be perfectly reasonable. They may look down and say, 'Look, this guy has had all this background experience and there should not be a problem,' but if that is the case then you would think you would get them through and linked up into the fellowship programs of the colleges, so you could get them tied into the ongoing peer review or peer assessment type of programs. But they are not appearing in those areas.

There has got to be an indeterminate number of people who are being put into positions with either little or no formal assessment of their capacity to function. I am not talking about their academic competence. I am talking about their capacity to actually work in the health care system. We get from medical boards reports of the problems that they are having with these people, particularly in communications skills areas, and in other major areas. Gaps in medical knowledge is another major area that was identified by the Northern Territory report that they did at the end at last year, and that is a worry. These people are not being screened, which means also we are not identifying what their deficiencies are and therefore nothing is probably being done, other than on an ad-hoc basis, to make sure that they are overcoming those deficiencies.

... The classic case we now have is the Patel case in Queensland where, because of that one individual and one set of circumstances, the reputation of overseas trained doctors, and of doctors who are Australian trained but with ethnic backgrounds, has really been thrown into turmoil. People are much more reluctant to take these people on board, even though they are highly competent people.<sup>41</sup>

41 Mr Frank, AMC, *Transcript of Evidence*, 24 May 2006, pp. 1-16.

- 4.56 The Committee agrees with the AMC that an agreed, fully implemented national approach is urgently needed in this area and that national accreditation/registration arrangements for medical practitioners must be implemented as soon as possible:

Talking about nationally consistent approaches is terrific – if they are national, and if they are consistent. Up to now the track record has been that we have agreed on these nationally consistent approaches but they have not been implemented in that way because everyone has taken on their discretionary provisions and put people in areas where they felt there was a need to do so. There may be a legitimate need. Constantly we hear from the health authorities: ‘It does not matter what the standard of this guy is. We need to have a doctor in that town.’<sup>42</sup>

- 4.57 The Australian Divisions of General Practice also called for a national approach to this problem:

The introduction of a common, high quality, standard national medical registration would alleviate much of this frustration and uncertainty and further help to reduce the red tape involved in registration approval processes over time for both OTDs and Australian trained doctors.<sup>43</sup>

- 4.58 In this context, the Committee welcomes the recent COAG announcement to establish national accreditation and registration boards and, more particularly, establish a national process for the assessment of OTDs by December 2006. The Committee strongly supports action by COAG in this area.

- 4.59 Also of note is the Productivity Commission’s view that the national registration board ‘should continue to have the ability to set terms and conditions under which particular individuals can work in specified work situations in Australia, when they do not meet the standards required for unconditional registration,’ as to close off this option would be ‘simply unrealistic, given current workforce shortages particularly in areas of need’.<sup>44</sup> Given the statements made by the AMC in this inquiry, the Committee highlights the urgent need for authorities to ensure that **all** OTDs practising in areas of need in Australia go through the appropriate assessment pathways.

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42 Mr Frank, AMC, *Transcript of Evidence*, 24 May 2006, p. 11.

43 Australian Divisions of General Practice, *Submission No. 25*, p. 4.

44 Productivity Commission, *Australia’s Health Workforce*, p. 131.



## Recommendation 26

4.60 **The Committee recommends that, in light of the serious concerns that have been raised with the Committee about overseas skills assessment processes for overseas trained doctors (OTDs), the Department of Health and Ageing should ensure initiatives announced by the Council of Australian Governments (COAG) to establish a national process for the assessment of OTDs are implemented by the COAG agreed timetable of December 2006.**

4.61 Commonwealth and state governments, the AMC and the specialist colleges and medical boards are at the forefront of issues potentially faced by all professions and trades with acute skills shortages and critical public safety issues. These issues include how to deal with:

- skills shortages in areas of need and regional and remote areas;
- demands for fast-tracking of overseas skills assessments;
- skills assessment for temporary workers and conditional registration/provisional licensing arrangements and implementation of appropriate supervisory procedures;
- incorporating vocational education and training, competency assessment and the recognition of prior learning (RPL) into assessment processes; and
- demands for skills assessment to be conducted offshore so that migrants are more employment ready when they arrive in Australia.

### Support for OTDs in rural and remote areas, and bridging courses

4.62 Another critical issue raised by the AMC concerns the need for provision of orientation and support services for OTDs:

One of the interesting things about Australia is that we are asking people to come in from overseas to go and work in often very difficult areas, often culturally removed from the areas that they have come from ...

... the rural and remote areas are where you really want to have the better-performing people in a sense because they are isolated and often they are cut off from other support services. The ones that you are putting out there really ought

to be the ones that have a very high capacity to function effectively in those sorts of environments ...

In the rural and remote areas, the issue of having people who are confident and able to perform is even in a sense more important than it is in the urban areas where there is often supervision or back-up or someone else who can support them. In these areas, they have to be the people functioning entirely on their own.<sup>45</sup>

4.63 The Australian Divisions of General Practice echoed this point:

Changing from one culture to another and adapting to the Australian lifestyle is a challenge faced by all migrants. In some ways, this challenge is intensified for OTDs. In many cases, OTDs fill vacancies that are hard to fill by doctors trained in Australia. This often means employment in rural and remote areas, in a range of clinical situations. To deal with these circumstances adequately, OTDs require not only sufficient medical knowledge and peer support, but also cultural awareness training/exposure and experience.<sup>46</sup>

4.64 The Committee agrees with the AMC and the Australian Divisions of General Practice that, for OTDs in these rural and remote areas, skills recognition is more than just 'getting people past a barrier examination or a regulatory requirement in the workforce':

It has now been recognised ... that these people may need support beyond simply getting them registered. There needs to be some infrastructure in place to enable them to really integrate into the medical workforce in Australia and become effective clinicians and practitioners within the Australian health care system.<sup>47</sup>

4.65 DHA provided the Committee with information on some existing bridging courses for OTDs, including:

- funding to support the establishment of upskilling positions to provide 'selected overseas trained specialists with up to 24 months of additional training to assist them with gaining College Fellowship';

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45 Mr Frank, AMC, *Transcript of Evidence*, 24 May 2006, pp. 1-2.

46 Australian Divisions of General Practice, *Submission No. 25*, p. 4.

47 Mr Frank, AMC, *Transcript of Evidence*, 24 May 2006, p. 2.

- engaging the Royal Australian College of General Practitioners to ‘identify, assess and counsel those permanent resident overseas trained doctors not currently in the medical workforce and determine which of them could potentially practise medicine in Australia’ and to develop an ‘individual learning plan’ for each doctor to assist them in preparing for the AMC exam; and
- funding of \$0.5 million per year for training and mentoring under the Five Year Program, a national program to encourage overseas trained general practitioners to work in rural and remote locations.<sup>48</sup>

4.66 The Committee agrees that there is a need for these types of courses. The Committee also notes the AMC’s research findings that bridging programs should be closely targeted at those who narrowly fail their first exam attempt rather than at those who require major retraining. The AMC further emphasised that completion of a bridging course should be immediately linked to undertaking the AMC exam as this results in a significant increase in pass rates.<sup>49</sup>

### **Recommendation 27**

- 4.67 **The Committee recommends that the Department of Health and Ageing urgently address, as part of the recently announced Council of Australian Governments initiatives, the provision of:**
- a) **orientation and support services to overseas trained doctors (OTDs), particularly those located in rural and remote areas; and**
  - b) **targeted bridging courses for OTDs.**

### **Communication of assessment processes**

4.68 The Committee heard positive comments about the DHA’s new Doctorconnect website,<sup>50</sup> which was introduced to improve availability of information on the various stages of the assessment process for OTDs from migration through to registration:

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48 DHA, *Submission No. 37*, p. 3.

49 AMC, *Submission No. 44*, pp. 16-19.

50 Department of Health and Ageing, <http://www.doctorconnect.gov.au> (accessed 31 July 2006).

... we have no doubt from the feedback we are getting from overseas trained doctors that it is a very, very positive initiative ... internationally it is a well-recognised source.<sup>51</sup>

- 4.69 The website will assist in communicating the national process for assessment of OTDs to be implemented by Commonwealth and state/territory governments by December 2006. This should address some of the confusion about the process currently experienced by users:

... the state/territory registration boards have been specified as the skills assessment authorities, but there is a complicated relationship between the medical colleges, state/territory registration boards and the AMC with regard to assessment of skills. It is very difficult to understand which qualifications are recognised in Australia, and what the application process should be for each individual.<sup>52</sup>

## Anaesthetics

- 4.70 The Committee heard evidence from an overseas trained specialist in anaesthetics, Dr Mulrooney, and also from the professional body conducting overseas skills assessment in this area, the Australian and New Zealand College of Anaesthetists (ANZCA). This exchange is of particular interest, given the 'area of need' and 'conditional registration' issues raised above. A case study on Dr Mulrooney's experience is at Figure 4.5.

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51 Mr Frank, AMC, *Transcript of Evidence*, 24 May 2006, p. 12.

52 Migration Institute of Australia, *Submission No. 34*, p. 27.

Figure 4.5 Case study of an overseas trained anaesthetist

I came here having been a consultant anaesthetist in the UK for approximately 10 years. I was chairman of my department for about eight of those. My hospital had approximately 1,400 beds and about 25 operating theatres. The department had approximately 35 full-time equivalent consultants and approximately the same number of trainees ...

I came here under the area of need legislation and took up a post in a hospital in the north of Perth and I was assessed from the UK to fulfil the criteria for that post. Having arrived here, I had to apply for specialty recognition from the Australian and New Zealand College of Anaesthetists ... I underwent the overseas training scheme assessment and, to my horror, they decided that I would need to undertake the overseas trained exam and be supervised until I had attained the exam ... Meanwhile I am practising in an unrestricted fashion, doing full emergencies. I was interviewed twice ...

I thought, 'Why are you asking me what specialty training I've got?' However, I did point out, 'I am flying back tonight' – or tomorrow – 'and I am doing this really complicated case which not all the anaesthetists at my hospital would be willing to do and yet here I am, someone who is deemed inadequate in the eyes of the college to go ahead and do it' ...

The other issue is that prior to 1996-97 there was automatic recognition of UK anaesthetists ... I was deemed to be inadequate, whereas there are people who have gone through the system – who arrived before 1996-97 – and are deemed as adequate. I find this whole thing very odd – or at least, that is the word I am prepared to use here.

I have tried to question the College of Anaesthetists here and, to be honest with you, I have not received a meaningful response ...

The chief executive ... claimed that the appeals process was as per the requirements of the ACCC and was well regarded. I wrote to the ACCC and, indeed, I referred the college to the ACCC halfway through the process because I just could not get any answers. The ACCC got in touch with the college and pointed out to them, after telling me this is what they were going to do, that, no, their appeal process was not as per the ACCC's guidelines or well regarded by the ACCC ...

The College of Surgeons now will fast-track recognition of UK surgeons, as I believe will the colleges of physicians and obstetricians.<sup>53</sup>

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53 Dr Mulrooney, *Transcript of Evidence*, 15 November 2005, pp. 66-70.

4.71 This case study raises a number of issues about assessment processes, client feedback, international mutual recognition arrangements, appeal processes and area of need arrangements. The Committee welcomed a response from ANZCA to these issues. ANZCA emphasised that the college:

- maintains standards:
  - ⇒ Any attempts to circumvent the agreed college processes weaken the standard of health provision to the community and have the potential to expose the community to risks and consequences such as happened in Bundaberg.<sup>54</sup>
- is not a 'closed shop':
  - ⇒ The college has neither put any artificial barriers in place for overseas-trained specialists nor applied any barriers indiscriminately ... The reality is that we have specific, transparent criteria for exemption from having to sit a portion of the examination and Dr Mulrooney did not meet those criteria.<sup>55</sup>
- follows the agreed process for assessing OTDs:
  - ⇒ ... as far as anaesthesia services for areas of need in Australia are concerned, the Australian and New Zealand College of Anaesthetists currently adheres to the process outlined in the AMC assessment process users guide.<sup>56</sup>
- recently signed off on a streamlined, fast-tracked assessment process for OTDs:
  - ⇒ ... the college will move rapidly with the establishment of the Rapid Assessment Unit, assisted by AHWOC, to pursue the question of comparison of overseas-trained qualifications with our own ... a statement by the college regarding English and Irish qualifications will be made ... early in the new year ... The purpose of the rapid assessment unit ... is for us to speed ahead with saying, 'Yes, we've looked in more detail at English, Irish, South African and Canadian qualifications, and

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54 Emeritus Professor Phillips, ANZCA, *Transcript of Evidence*, 24 November 2005, p. 62.

55 Emeritus Professor Phillips, ANZCA, *Transcript of Evidence*, 24 November 2005, p. 65 and p. 61.

56 Emeritus Professor Phillips, ANZCA, *Transcript of Evidence*, 24 November 2005, pp. 58-59.

the following ones we believe ought to be accepted and they don't need to do any training or have any supervision.<sup>57</sup>

- has appeals processes in place:

- ⇒ I believe our college was in error in stating to Dr Mulrooney that our appeals process was approved by the ACCC ... However, the principles of our appeals process are certainly comparable to the Royal Australasian College of Surgeons appeals process.<sup>58</sup>

4.72 The Committee notes that the COAG initiatives should address many of the issues raised by both parties here. The Committee also welcomes the fast-tracking initiatives under consideration by the specialist colleges and notes that, if these arrangements had been in place at the time Dr Mulrooney applied, ANZCA may have been able to take a different approach to the assessment of his UK qualifications.

## Physiotherapy

4.73 The Australian Council of Physiotherapy Regulating Authorities (ACOPRA) is the assessing authority/professional body for overseas skills recognition in physiotherapy.<sup>59</sup> The process of recognition requires three steps: confirmation of eligibility, a written examination and a clinical exam after a recommended period of supervised practice.

4.74 The Committee was concerned to hear the account of an overseas trained physiotherapist, Ms Canini, wanting to migrate to Australia who had sought overseas skills recognition through ACOPRA. A case study on her experience is at Figure 4.6.

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57 Emeritus Professor Phillips, ANZCA, *Transcript of Evidence*, 24 November 2005, p. 62.

58 Emeritus Professor Phillips, ANZCA, *Transcript of Evidence*, 24 November 2005, p. 63 and p. 66.

59 The Committee notes that ACOPRA recently changed its name to the Australian Physiotherapy Council (APC).

Figure 4.6 Case study of an overseas trained physiotherapist

I came here more than two years ago to work as a physiotherapist and I still do not have permission to do so ... The government is making many efforts to motivate people to come here and work, but apparently something is wrong because that is not happening. I do not think this occurs just with physiotherapists; for many professions it is the same, especially in the health system ... I want to tell you of the difficulties that people like me are encountering in trying to get their qualifications recognised.

I came to Australia to improve my quality of life. I qualified as a physiotherapist in 1995 in Italy; it was a three-year full-time course. After that, I did some professional courses, especially in Australian techniques. I then came here as a student and completed a master of sports physiotherapy here in Perth at the Curtin University. My Italian qualification was accepted by the university, which enabled me to undertake a postgraduate course, but it was not accepted for registration to work. I was told that there was a procedure to follow to get such recognition, so I started to follow it as soon as I finished my studies in 2004. There are two exams to do: one is written and the other is clinical. I was recognised as eligible to do the first exam.

I have heard rumours that this written exam is very difficult and, on average, it must be attempted at least two or three times in order to pass ... I did the first exam and I failed four questions. I then had to wait for six months to do another exam, because they are held only twice a year. Of course, I had to pay the fee each time, which is \$1,100. I sat the second exam last September, which I failed also, along with 86 per cent of candidates ...

At first I had a student visa, which is valid for one year. When that expired, I tried to find a sponsor. It is just impossible to find a sponsor because their requirements are very strict. I am required to have a contract for 35 hours minimum per week and \$39,000 a year – with what qualification? If I am not a physio, you cannot expect me to have other big qualifications. So the only one I could use was as a massage therapist or phys assistant. A massage therapist job is quite difficult to find because it is more occasional work ...

The other profession was phys assistant but, because phys assistant is not on the list of the department of immigration, even if a hospital requires you, you cannot work because it is not approved ... It is not written anywhere that you can work as a phys assistant in a country area.

... whoever wants to apply in a country area does not know that because it is not on the DIMA website, it is not in the booklets – it is not anywhere. You read that list and you think, 'If I have those qualifications, I can work; if I don't have one, I can't.' So you do not even think to apply in a country area ...



After that, my visa was still undergoing cancellation and I got another contract with Royal Perth Hospital as a phys assistant ...

I did the application through the Department of Health, which was helping me. The Department of Health told me that the application was going well and it was just a question of days for it to be approved. So I was sure to pass this time. I even did the induction course with the hospital. I got all my stuff – the uniforms and everything. The day before I was to start work someone from the migration office called the department. They had called before saying, 'Okay, she has the visa till 2009.' After five minutes someone else called and said, 'No, she cannot work; this assistant is not on the list.' But they should have told me that before. Of course, for the application I had done there was no refund ... After that ... I got two tourist visas ...

The idea is to pass these exams and get an occupational training visa and prepare for the second exam, which is a practical, so I can have some training in the hospital. And then maybe in the future I can be employed by the hospital. Every time I ask for training they ask me, 'Would you be interested at the end to work with us?' Yes, of course I would, but there is no way that I can even have training without passing these exams. I tried before with the second tourist visa; I tried again with the Royal Perth Hospital. But it is compulsory to have insurance to work and I cannot have the insurance if I do not have temporary registration with the board. And I cannot have temporary registration with the board if I do not know officially the result of the exam. To know the result of the exam takes six weeks ...

Six weeks to know the results, two months to have the clinical placement organised and then six weeks clinical placement. Then for the other exam it is another two weeks to know the results. Again, it is one year if you pass all the exams.

It is quite difficult, because I have made such an effort here and spent so much money, probably \$80,000, in the two years that I have been here ...

By doing the masters I thought that I would get my qualification recognised and then I could apply as an independent. But I could not from Rome. It was impossible. I did not have any visa ... How can you apply from overseas? ... I could not see any other type of visa.<sup>60</sup>

4.75 This case study points to a number of issues of concern to the Committee, including the need for:

- improved pre-migration communication of visa processes and skills recognition, upgrading and registration requirements;

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60 Ms Canini, *Transcript of Evidence*, 20 April 2006, pp. 2-15.

- clarification of education and training requirements;
- information on temporary, short terms visas to complete onshore assessment stages, such as clinical exams; and
- improved monitoring of assessment fees, assessment completion times, failure rates, passmarks and client feedback mechanisms.

4.76 Ms Canini also commented on:

- the 'vague feedback' provided on failing the ACOPRA exam;<sup>61</sup>
- the 'excessive' cost of the process – some \$6,000;<sup>62</sup>
- the changing passmarks;<sup>63</sup>
- the lengthy time to complete the assessment process, which impacts on being able to demonstrate, for migration purposes, recent work experience,<sup>64</sup> and
- additional costs not being specified by ACOPRA.<sup>65</sup>

4.77 On the need for clarification of training requirements, as Ms Canini commented:

I saw on the Physiotherapists Registration Board website that the qualification was accepted for full registration. It is written as 'Master of Physiotherapy'. I thought that meant any type of masters related to physiotherapy, but it is not like that. I found that out too late.<sup>66</sup>

4.78 The Committee received further evidence with regard to other professions about the need for clarification in this area. As the Australian Institute of Medical Scientists (AIMS), commented:

... applicants appear totally unaware of the requirements for assessment as a medical scientist or of the existence of accredited degree courses until they apply to AIMS (unsuccessfully) for assessment as medical scientists. In many cases these applicants have assumed that the course they have undertaken will provide them with immediate entry to the profession and assessment as medical scientists. It is

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61 Ms Canini, *Submission No. 105*, p. 7.

62 Ms Canini, *Submission No. 105*, p. 19.

63 Ms Canini, *Transcript of Evidence*, 20 April 2006, p. 12.

64 Ms Canini, *Submission No. 105*, p. 21 and p. 17.

65 Ms Canini, *Submission No. 105*, p. 20.

66 Ms Canini, *Transcript of Evidence*, 20 April 2006, p. 8.

difficult to believe that these students were not led to this assumption by the promotional activities of the universities concerned. These unsuccessful applicants ... have spent many thousands of dollars on an educational course they believed (incorrectly) would qualify them as medical scientists.<sup>67</sup>

- 4.79 The Committee agrees that individuals need clearer information on this area so that they do not undertake unnecessary education and training.

### **Recommendation 28**

- 4.80 **The Committee recommends that the Department of Education, Science and Training work with the Department of Immigration and Multicultural Affairs to add a new section on training to the Australian Skills Recognition Information website. The website should emphasise the need to consult with assessing authorities before undertaking any education and training to ensure that the course will actually contribute to a successful skills assessment in their profession.**

### **Recommendation 29**

- 4.81 **The Committee recommends that the Department of Education, Science and Training, as part of its international education policy oversight role, monitor education and training, including bridging courses, undertaken in Australia for skills assessment and migration purposes to improve communication to users.**
- 4.82 The Western Australian Department of Health also commented on the skills assessment processes for physiotherapy, suggesting that there may even be trade practices issues involved – see Figure 4.7.

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67 AIMS, *Submission No. 102*, pp. 3-4.

Figure 4.7 WA Department of Health comments on trade practices issues

Although there is no evidence that there has been any intention to do so, the effect of some admission processes for overseas qualified practitioners may be to put into place anti-competitive arrangements which substantially lessen competition in the markets for those professional services. Using the physiotherapy admission arrangements as an example, the following elements, when taken together or in various combinations, may substantially lessen competition:

- not setting pass marks at the outset of the process as part of the determination of the minimum required level of knowledge, but instead setting pass marks once individuals' examination results are known
- a very high failure rate of 86% considering that applicants are existing practitioners, albeit not in Australia
- high application fees – \$495 eligibility assessment fee, \$1100 examination fee, \$1760 clinical assessment fee (\$3,355 in total); and
- restricting opportunities to sit examinations ...

The *Trade Practices Act 1974* (Commonwealth) makes anti-competitive arrangements entered into by professional associations, and corporations in general, illegal.<sup>68</sup>

4.83 The Committee welcomed a response from ACOPRA to these issues. ACOPRA emphasised that it undertakes the skills assessment process 'within an overall organisational environment of continual review and improvement'.<sup>69</sup> ACOPRA pointed to an improved completion rate for assessments. In 2005, 59 physiotherapists completed the assessment process compared with 24 in 2003. The exam pass rate had also 'gradually increased from around 43 per cent to 60 per cent in March last year'.<sup>70</sup>

4.84 A matter of particular concern was the September 2005 ACOPRA exam result, where 11 out of 76 candidates passed the examination.<sup>71</sup> These exam results attracted press coverage, with one newspaper article claiming that 'when questions from the test were put to Perth physios, they admitted they could not answer many of them'.<sup>72</sup>

68 Western Australian Department of Health, *Submission No. 104*, pp. 1-4.

69 Ms Grant, ACOPRA, *Transcript of Evidence*, 27 February 2006, p. 26.

70 Ms Grant, ACOPRA, *Transcript of Evidence*, 27 February 2006, p. 27.

71 Ms Grant, ACOPRA, *Transcript of Evidence*, 27 February 2006, p. 27.

72 P. Lampathakis, 'Physios fail entry test', *Sunday Times*, 27 November 2005, p. 29.

- 4.85 The Committee was encouraged to hear that ACOPRA has now run workshops in response to client feedback concerning that exam process:

... it is of concern to ACOPRA that that many people failed. We have tried to put in place a number of strategies to assist candidates because it highlighted areas for further improvement ... we have been trying to provide resources for candidates doing the exams because that was something that was identified that could be improved.<sup>73</sup>

- 4.86 A further issue of concern to the Committee is that a period of clinical work experience in Australia is recommended by ACOPRA prior to undertaking the clinical exam, the final stage of the skills assessment process. This extends the time an applicant must stay in Australia and also has cost implications. As ACOPRA commented:

... we do strongly recommend that they gain some clinical experience before they do their clinical exam. One of the complaints you may have heard is that, given the saturation within the hospitals ... from domestic students, some facilities now charge these overseas-trained people for their clinical experience.<sup>74</sup>

### Recommendation 30

- 4.87 **The Committee recommends that the Department of Education, Science and Training, in its monitoring role of assessing authorities, work with the Australian Council of Physiotherapy Regulating Authorities (now the Australian Physiotherapy Council) to ensure its processes are consistent with best practice, and report back to the Committee on this matter.**

- 4.88 Another issue raised in relation to physiotherapy was that, at the time of the inquiry, Western Australia did not have legislation in place to allow for temporary registration:

Physiotherapists in other states (excluding Queensland and WA) have capacity to apply for limited registration that requires an appropriate qualification and adequate English. Limited registration is valid for 12 months and applicants

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73 Ms Grant, ACOPRA, *Transcript of Evidence*, 27 February 2006, p. 29.

74 Ms Grant, ACOPRA, *Transcript of Evidence*, 27 February 2006, p. 31.

must have a registered physiotherapist on site 75% of the time.<sup>75</sup>

- 4.89 The Committee again points out that a national registration system for the health professions should address such anomalies.

## Issues concerning other health professions

### Nursing

- 4.90 The Committee notes the high number of overseas trained nurses seeking skills recognition in Australia. There have been a number of inquiries into the nursing profession, particularly on skills recognition for overseas nurses and registration issues. For example, a 2002 Senate inquiry report into nursing, *The Patient Profession: Time for Action*, recommended:

That the Commonwealth Department of Immigration and Multicultural and Indigenous Affairs ... simplify the process of recognising overseas qualifications for nurses wishing to migrate to Australia on a permanent or temporary basis ...<sup>76</sup>

- 4.91 The report also recommended that 'national registration be implemented for registered and enrolled nurses'.<sup>77</sup> The Committee notes that the COAG initiatives should address these concerns.

### Chiropractic

- 4.92 The Committee received evidence from an overseas trained chiropractor, in this case an Australian citizen returning to Australia with overseas qualifications in chiropractic, about their concerns with the assessment procedures of the Council on Chiropractic Education Australasia (CCEA). Issues raised included:

- The variation in international mutual recognition arrangements: qualifications gained from a chiropractic institution in the United States had previously been accepted for registration purposes in Australia, but now all states require testing through CCEA. The

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75 Western Australian Department of Health, *Submission No. 104*, p. 2.

76 Senate Community Affairs References Committee, *The Patient Profession: Time for Action*, Report on the Inquiry into Nursing, Parliament of Australia, June 2002, p. 21.

77 Senate Community Affairs References Committee, *The Patient Profession: Time for Action*, p. 40.

previous process took six weeks whereas the assessment process takes 'at least six months'.<sup>78</sup>

- The integrity of assessment processes: 'No identification is required at the test site, anyone could take the test if they wished'.<sup>79</sup>
- The difficulties in contacting the assessment authority: 'It is extremely difficult to contact anyone involved with the process and harder to get a reply'.<sup>80</sup>

4.93 The CCEA responded to these concerns. On the mutual recognition of overseas qualifications, they commented that the only qualifications currently recognised are from Australian or New Zealand accredited programs, which was 'a decision by all of the state health ministers. It is in all of the state legislation'.<sup>81</sup> However, as 95 per cent of the people seeking recognition from CCEA are qualified in the US, they were exploring mutual recognition as an option: 'We are in the process of actually starting up some dialogue with the National Board of Chiropractic Examiners in America'.<sup>82</sup>

4.94 On the identification of candidates at test sites, CCEA confirmed that they had been in discussion with the universities concerned about the identification issue: 'We did not realise that they were not asking candidates for identification, which is one of our criteria. That will now be enforced'.<sup>83</sup>

### **Recommendation 31**

4.95 **The Committee recommends that the Department of Education, Science and Training, in its monitoring role of assessing authorities, work with the Council on Chiropractic Education Australasia to ensure its processes are consistent with best practice, and report back to the Committee on this matter.**

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78 Dr Wilson, *Transcript of Evidence*, 15 November 2005, p. 71.

79 *Submission No. 74*, p. 1.

80 *Submission No. 74*, p. 1. CCEA is operated on a part-time basis, but an email and phone message service is responded to.

81 Mrs Ramsay, CCEA, *Transcript of Evidence*, 9 March 2006, p. 15.

82 Mrs Ramsay, CCEA, *Transcript of Evidence*, 9 March 2006, p. 15.

83 Mrs Ramsay, CCEA, *Transcript of Evidence*, 9 March 2006, p. 17.

## Other professions (non-health related)

- 4.96 In reviewing a topic as broad as overseas skills recognition across the non-health related professions in Australia, this report has again by necessity been selective. This section includes case studies on skills recognition in three professions: engineering, accounting and computing.<sup>84</sup> As VETASSESS is the assessment authority for over 200 generalist professions it is also important to review its skills recognition processes.

### Engineering

- 4.97 The assessing authority for engineers for migration purposes is Engineers Australia. Based on a survey of its members, Migration Institute of Australia commented that Engineers Australia is 'a very good example of a transparent system of qualifications assessment and other agencies would do well to implement similar systems.'<sup>85</sup> The Committee also notes that Engineers Australia provides an alternative skills recognition pathway through a competency based assessment process:

The process provides applicants with the opportunity to establish that their engineering knowledge and competencies are equivalent to those of the appropriate occupational category within the engineering team in Australia.<sup>86</sup>

- 4.98 A major issue identified by Engineers Australia was the high number of migrant engineers having difficulty in gaining employment in their profession, despite the shortage of engineers in Australia:

There are significant numbers of overseas qualified engineers (and other professionals) who have difficulty securing employment in Australian business despite their overseas qualifications being recognised. This is believed to be due to a range of factors including scepticism by employers about the strength and value of the person's qualifications and a

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84 Accounting, computing, and engineering are among the top 10 nominated occupations under the GSM program, Birrell et al, *Evaluation of the General Skilled Migration Categories*, p. 118.

85 Migration Institute of Australia, *Submission No. 34*, p. 20.

86 Engineers Australia, *Submission No. 76*, p. 9.



migrant's lack of Australian work experience and unfamiliarity with Australian work culture.<sup>87</sup>

- 4.99 Issues relating to local work experience and acceptance of recognised overseas qualifications by Australian employers are discussed in Chapter 7.
- 4.100 Engineers Australia also highlighted that there is no one single regulatory regime in Australia governing the engineering profession. While there is government regulation of engineers in Queensland under its *Professional Engineers Act 2002*, in the other states and territories there is a self-regulation through registration schemes managed by Engineers Australia and the National Professional Engineers Board.
- 4.101 The absence of a comprehensive regulatory system for engineers has meant that many regulatory and quasi-regulatory regimes, maintained by state and territory governments, have come into existence:
- Each State and Territory has different notions of what constitutes an effective regulatory regime. Some jurisdictions have implemented regulation by requiring registration through a statutory board, while others have introduced co-regulatory regimes with professional associations and government taking on various roles in the registration process. Other jurisdictions have elected to have no regulatory regime, preferring to leave the profession to self-regulate.<sup>88</sup>
- 4.102 Engineers Australia takes the view that self-regulation is appropriate as applied to the provision of some, but not all, engineering services:
- A joint approach by government and the profession, with appropriate legislative support (co-regulation), is required for those areas of engineering practice that represent a risk to public health and safety or where there is a significant asymmetry of knowledge between the engineer and the consumer.<sup>89</sup>
- 4.103 Engineers Australia 'does not believe that a national registration system would act as a barrier to skilled migrants finding employment

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87 Engineers Australia, *Submission No. 76*, p. 7.

88 Engineers Australia, *Submission No. 76*, p. 20.

89 Engineers Australia, *Submission No. 76*, p. 20.

as engineers'.<sup>90</sup> As discussed in this report, inconsistencies in registration requirements between states and territories can impede efficient overseas skills recognition.

- 4.104 The Committee also notes the recommendation of Engineers Australia that the Commonwealth government should work with the state governments to facilitate the introduction of a consistent registration system for the engineering profession in areas of highest risk to public health and safety.

## Accounting and computing

- 4.105 Computing professionals (certain specialisations) and accountants are listed on the MODL as being occupations in demand. As discussed in Chapter 1, these two occupational areas dominate tertiary enrolments by international students who later apply for permanent migration under the GSM program. Recent Australian research has raised concerns about the implications of this:

Large numbers of overseas students trained in accounting and ICT are entering the Australian labour market with credentials and communication skills that are problematic from the point of view of Australian employers. In addition, most of the graduates have no job experience in their field.<sup>91</sup>

## Accounting

- 4.106 Three assessing authorities are involved in the assessment of accountants for migration purposes:

- Certified Practising Accountants (CPA) of Australia;
- The Institute of Chartered Accountants of Australia (ICAA); and
- National Institute of Accountants (NIA).

- 4.107 CPA Australia particularly emphasised the need for international students in accounting who are intending to apply for permanent residency to improve their occupational experience and familiarity with Australia workplace culture, as well as their English language proficiency:

We are concerned about a growing number that we know are either not employed ... or are employed in positions that we

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90 Engineers Australia, *Submission No. 76*, p. 13.

91 Birrell et al, *Evaluation of the General Skilled Migration Categories*, p. 28.

do not consider to be at professional level – that is, a bookkeeping, technician level.<sup>92</sup>

- 4.108 Issues relating to work experience and English proficiency are discussed in Chapter 7.

## Computing

- 4.109 The assessing authority for computing professionals is the Australian Computer Society (ACS). In 2004 the ACS processed ‘over 11,000 applications’, down from ‘a peak of nearly 16,000 in 2002’.<sup>93</sup> The Committee notes that ACS includes an RPL pathway in its assessment processes.<sup>94</sup>

- 4.110 The ACS highlighted as a major problem that the broad category of ‘programmer’ had been listed on the MODL rather than a number of computing specialisations, which had led to an oversupply of migrants to Australia who were skilled in an area not actually in employment demand:

... you can be much more responsive about what skills, down to the detailed level, are in short supply so you can do the matching with greater agility than simply broadly bringing in masses of people who actually are not required at all.<sup>95</sup>

- 4.111 This problem with the MODL was discussed in Chapter 2 and has now been rectified. However, some of the history of this area, as outlined by the ACS, is of further interest to Committee.

- 4.112 The ACS commented that the entry of ‘programmers’ on the MODL was ‘a broad brush term’:

... it is impossible to then apply the principle of the policy – that you are bringing in people to meet a skills shortage – because you cannot determine whether ‘programmer not elsewhere classified’ fills a need or not if you do not know anything about what programming skills that person has ... One is a programmer we have 30 of and one is a programmer 30 people want and have none of. There is a big difference.<sup>96</sup>

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92 Ms Nicholls, CPA Australia, *Transcript of Evidence*, 24 November 2005, p. 39. Some of the issues in this area have also been discussed in a recent report – see *Exhibit No. 8*.

93 ACS, *Submission No. 61*, p. 2.

94 See ACS, *Submission No. 61*, p. 2.

95 Mr Argy, ACS, *Transcript of Evidence*, 23 November 2005, p. 77.

96 Mr Argy, ACS, *Transcript of Evidence*, 23 November 2005, p. 77 and p. 82.

- 4.113 Despite these problems, the ACS continued to assess people for migration using this category:

Our difficulty is that we do not set the classifications, so the best we can do when somebody comes in and says, 'We seek to come into Australia and be classified as a programmer' – because that is the classification – is to say, 'Have you proven that you have the skill sets to meet DIMIA's requirement to be a programmer?' We can only report that you have or you have not ...

Because there is no other classification to report on, all we can do is say: 'Here's a certificate. You meet the category of programmer.' We have no say in what happens next. It is for DIMIA to determine whether programmers are on the list of skills in short supply.<sup>97</sup>

- 4.114 The Committee was disappointed by the apparent lack of immediate response to this problem – by DIMA in its management of the migration program, by DEWR in its identification of occupations in demand on the MODL and by DEST in its monitoring role of the assessing authorities. As a result, ACS continued to approve applicants and the problem continued for some time, disadvantaging both migrant information and communications technology (ICT) workers and Australian citizens working in the same area in terms of achieving successful employment outcomes.

- 4.115 In a submission to the Committee, the ACS estimated that the GSM program had contributed to an 'excess supply of computing professionals' and 'does not appear to be making a significant contribution to those critical ICT skills currently missing from the Australian labour market'.<sup>98</sup>

### **Recommendation 32**

- 4.116 **The Committee recommends that the lead Commonwealth agencies responsible for migration, employment and international education policy – the Departments of Immigration and Multicultural Affairs, Employment and Workplace Relations, and Education, Science and Training – implement processes to ensure:**

**a) a rapid response to concerns raised by assessing**

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97 Mr Argy, ACS, *Transcript of Evidence*, 23 November 2005, pp. 82-83.

98 ACS, *Submission No. 61*, p. 4.

**authorities/professional bodies about specific occupational oversupplies or undersupplies that might impact on successful migration and employment outcomes; and**

- b) there is improved coordination between migration employment policy and international education policy to avoid occupational oversupplies such as those that have occurred in accounting and information and communications technology.**

## Vocational Education Training and Assessment Services

- 4.117 VETASSESS is contracted by DIMA as the national assessing authority for a broad range of generalist professional occupations under the GSM program.<sup>99</sup>
- 4.118 A VETASSESS assessment involves providing a written statement on whether an applicant's post-secondary qualifications meet the educational requirements of their nominated occupation. VETASSESS assesses an applicant's qualification according to guidelines published by the Australian Education International and the National Office of Overseas Skills Recognition (AEI-NOOSR) in their Country Education Profiles (CEPs), to ensure consistency. In some cases, where there is limited information or the qualification being assessed lacks precedent and falls outside the guidelines, 'the assessment is forwarded to NOOSR for verification'.<sup>100</sup>
- 4.119 The Committee heard favourable comments about VETASSESS – that it has 'a highly comprehensive and transparent assessment procedure in place, and its website is also highly user-friendly, with on-line lodgement a recently added feature'.<sup>101</sup> However, concerns were expressed that competency and work experience are not assessed by VETASSESS and that qualifications do not need to be specifically related to an applicants' nominated occupation and that this can create anomalies.

## Work experience not included in assessment process

- 4.120 Unlike some of the other assessing authorities, 'VETASSESS is not required to assess the work experience of applicants in the nominated
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99 Most of the occupations assessed by VETASSESS do not have registration or licensing requirements.

100 VETASSESS, *Submission No. 86*, p. 4.

101 Migration Institute of Australia, *Submission No. 34*, p. 23.

skilled occupations that it assesses'.<sup>102</sup> As VETASSESS states on its website:

A qualification assessment is not an assessment of

- your suitability for employment
- the quality of your work
- the appropriateness of your work experience<sup>103</sup>

4.121 A number of participants to the inquiry commented that this approach excludes some overseas skilled workers and that the VETASSESS skills assessment process should be broadened to include a competency or work experience component:

Many of our members have expressed frustration at the requirement for formal qualifications for VETASSESS occupations as it prevents applicants with many years of relevant work experience in certain occupations from obtaining a positive skill assessment.<sup>104</sup>

The VETASSESS process is limited in that many occupations are only assessed on the basis of formal post secondary qualifications, and pays no heed to work experience

... a significant number of highly skilled personnel currently possess suitable skills through their experience but may not necessarily possess appropriate formal qualifications.

Examples of this abound but may include marketing professionals, Company Secretaries, Medical Administrators, Welfare Centre Managers, Agricultural advisers, Food technologists to name just a few.<sup>105</sup>

4.122 VETASSESS themselves commented to the Committee that to encourage more applicants with high level skills 'it may be worth exploring the possibility of broadening the guidelines to cater for work/competency based qualifications in relevant skilled occupations':

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102 VETASSESS, *Submission No. 86*, p. 5.

103 Skillassess website, <http://www2.skillassess.com/aboutAssessment.cfm> (accessed 13 June 2006).

104 Migration Institute of Australia, *Submission No. 34*, p. 3 and p. 25.

105 Immigration Lawyers Association of Australia, *Submission 82*, p. 19.

Procedures could be modified to assess work experience at the same time as the qualification assessment to eliminate another step in the overall process.<sup>106</sup>

- 4.123 The Committee agrees that the skills recognition procedures of VETASSESS should be broadened to include work experience and competency components.

### **Recommendation 33**

- 4.124 **The Committee recommends that the Department of Education, Science and Training, as the new manager of the Vocational Education Training and Assessment Services (VETASSESS) contract, review VETASSESS processes to enable it to broaden its skills assessment regime to allow competency based assessment and recognition of work experience.**

### **Qualifications not specifically related to nominated occupation**

- 4.125 The Committee noted that the qualifications assessed by VETASSESS do not need to be specifically related to an applicant's nominated occupation:

VETASSESS does not look at the relevance of the qualification or the work experience in the occupation in issuing skills assessments. They simply ask the question whether the qualification is comparable to an Australian bachelor degree, diploma or certificate IV.<sup>107</sup>

- 4.126 People may therefore be approved for permanent migration who do not actually have the work skills to gain employment in their nominated occupation. As one witness highlighted:

... it is possible for any person with a qualification comparable to an Australian bachelor degree to qualify for skills assessment as a Child Care Co-Ordinator, even if they have no prior work experience in this occupation or have not covered a single relevant subject in their course

... the fact that VETASSESS does not consider the work experience or even the relevance of the qualification for skills

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106 VETASSESS, *Submission 86*, p. 5. See also Western Australian Department of Education and Training, *Submission No. 20*, p. 3.

107 Migration Institute of Australia, *Submission No. 34*, p. 3.

assessment represents a significant integrity issue for both ENS and General Skilled Migration streams.<sup>108</sup>

- 4.127 One example of the difficulties this can create was highlighted by the Australian Library and Information Association (ALIA). VETASSESS is assigned as the body responsible for assessing overseas qualifications for someone wishing to migrate to Australia as a librarian. To be considered for work as a librarian in Australia, a prospective migrant must hold a qualification equivalent to an Australian Bachelor degree. However, 'in completing its assessment of the level of an overseas qualification, VETASSESS does not take into account the curriculum content of the degree.'<sup>109</sup>
- 4.128 ALIA has responsibility for 'assessing the professional library and information studies curriculum content of a course' to determine how it compares with that offered in an equivalent Australian course:

It is this second assessment which ALIA undertakes once the individual has arrived in the country that determines the readiness of an overseas applicant to work in the Australian library and information environment.

The Association regularly finds that applicants who have completed the VETASSESS step in the recognition process are unaware that it is also necessary to work with ALIA in order to demonstrate the equivalence of their professional skills ... to those gained through an ALIA recognised course offered in Australia ... This service involves only a moderate cost but in some cases results in ill-will towards the Association which is interpreted as putting obstacles in the way of employment when VETASSESS has previously deemed the qualification suitable for employment as a librarian.<sup>110</sup>

- 4.129 The Committee notes the concerns raised by ALIA. It also notes that the occupational information on librarians on the Australian Skills Recognition Information website does not contain this important information.

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108 Migration Institute of Australia, *Submission No. 34*, p. 3 and p. 26.

109 ALIA, *Submission No. 22*, p. 2.

110 ALIA, *Submission No. 22*, p. 2.



**Recommendation 34**

- 4.130 **The Committee recommends that the Department of Immigration and Multicultural Affairs update:**
- a) **the occupational specific information for librarians and library technicians on the Australian Skills Recognition Information (ASRI) website to notify potential migrants of the need to contact the Australian Library and Information Association to obtain information on membership requirements of the professional body necessary to gaining employment in these occupations in Australia; and**
  - b) **the generic information across all occupational entries on the ASRI website to ensure there is a reference to membership of professional bodies being a formal requirement to work in certain professions.**



*From my experience the system for assessing foreign tradespeople is a nightmare. ... The whole thing from start to finish has been crazy, it seems that as soon as you provide the correct documentation, the goal posts suddenly get changed ... it really does seem a lengthy drawn out process for something that should be fairly straight forward.<sup>1</sup>*

## Trades: skills recognition issues

### Introduction

- 5.1 This chapter examines the current processes by which trade qualifications are assessed, both prior to migration and for those already in Australia. Due to its central role not only in pre-migration assessment but also in domestic assessment for certain trades, Trade Recognition Australia's performance is also examined in this chapter.
- 5.2 The Skilled Occupation List (SOL) currently contains over 160 occupations in trades and related areas. The Migration Occupation in Demand List (MODL) contains 42 occupations in trades areas, approximately half of the MODL listings. From evidence before the Committee, trade shortages are apparent in regional areas as well as major population centres.
- 5.3 As noted in Chapter 1, skilled migration should not be seen as the complete solution to Australia's trade shortage. A strong commitment
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1 Mr Campbell, *Submission No. 52*, p. 1.

to training Australians and maintaining and improving the skill levels of our current workforce is essential. However, skilled migration is one method of addressing the immediate trade shortages facing Australia.

## What is a trade?

- 5.4 The term 'trade' covers a wide range of occupations with some common characteristics. The occupations generally require technical knowledge and manual skill, and in Australia those skills have traditionally been acquired through a formal apprenticeship program leading to the awarding of a trade certificate. However, as DEWR noted:

Recent changes to Australia's training system enable competence to be acquired and assessed through the Australian Qualification Training Framework (AQTF).<sup>2</sup>

- 5.5 The SOL in particular contains a wide range of occupations that fall outside the more traditional definition of a trade, encompassing occupations where the skills are acquired outside of a traditional apprenticeship system. However, the argument has been made that the definition of what constitutes a 'skilled occupation' is too restricted by the traditional definition of a trade:

The Skills Labour Index perpetuates the traditional demarcation between traditional trade and non-traditional trade classifications, creating a mentality of 'us and them'. It fails to recognise qualified people in non-traditional areas like Food and Beverage and Hotel Front of Office staff. The current system ignores their relevant qualifications and skills and fails to allow them to have thorough assessment or evaluation.<sup>3</sup>

- 5.6 The Australian Hotels Association argued for an expansion of the MODL to 'include a more contemporary range of skill areas such as front of house of which there are skill shortages'.<sup>4</sup> Similar arguments were made by the Australian Trucking Association who felt 'that it is the lack of mandatory formal tertiary qualifications that handicap the

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2 DEWR, *Submission No. 63*, p. 9.

3 Australian Hotels Association, *Submission No. 45*, p. 2.

4 Australian Hotels Association, *Submission No. 45*, p. 3.

entry of truck drivers as skilled personnel through migration schemes'.<sup>5</sup>

- 5.7 While the Committee has some sympathy with this view, it notes that the 'underlying principle of the MODL is that only occupations or specialisations that are in widespread, persistent and ongoing shortage are targeted'.<sup>6</sup> Alternatives are available for employers wishing to recruit people with particular skills, including a range of employer-sponsored temporary and permanent migration arrangements.
- 5.8 What should or should not be on the MODL or SOL is not a matter for this inquiry – rather the Committee's task was to examine how individuals in those occupations should have their skills assessed both pre- and post-migration. For the purposes of this chapter, the Committee has accepted a wide definition of 'trade' and 'tradesperson'.

## How are trades currently assessed?

- 5.9 For tradespeople wishing to apply for migration to Australia under the General Skilled Migration (GSM) program, their skills are assessed firstly for migration purposes, and then assessed a second time once in Australia, if required for registration and licensing purposes. These pre-migration and post-migration processes are detailed in the following sections.
- 5.10 As noted earlier, the Department of Immigration and Multicultural Affairs (DIMA) explained that the current skills assessment arrangements:
- ... evolved from a need to determine the quality and comparability of skills and qualifications obtained in countries outside the traditionally accepted British education and vocational training systems. The arrangements, known as PASA, or pre application skill assessment, have been recognised as world's best practice. **They ensure that only those people who have the necessary qualifications and**

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5 Australian Trucking Association, *Submission No. 90*, p. 4.

6 DIMA, *Submission No. 80b*, p. 1.

**skills required to work in their nominated occupation are successful.**<sup>7</sup> (emphasis added)

- 5.11 It is apparent, however, from evidence given to the Committee that the current assessment practice is not ensuring that only those people with the necessary skills and qualifications required to work in their nominated occupation are successful. This has been shown in the significant numbers who fail to obtain registration or licensing when this is required, and by the numbers who do not end up working in their nominated occupations or who end up in lower level positions.
- 5.12 DIMA itself, in its first appearance before the Committee, acknowledged that 'there is a need to continue to refine and improve our skills recognition and licensing processes, particularly in the area of traditional trades', acknowledging that 'a number of skilled migrants are in jobs that do not match their qualifications or in jobs that do not recognise their qualifications'.<sup>8</sup> To address this, the department highlighted five areas where it saw scope for 'substantial improvement'. Each of these following areas is relevant when examining the recognition of trades skills:
- 'accessibility of information';
  - 'speed and integration of the various steps involved' in the process;
  - improved offshore processing, so that 'skilled migrants are more job ready on arrival';
  - 'establishment of more skills assessment bodies'; and
  - 'mutual recognition across different states'.<sup>9</sup>
- 5.13 One of the questions facing the Committee was how the process of trades recognition, with the associated factors of licensing and registration where applicable, could be streamlined without detriment to the skill level of trades. The Committee agreed with the observation by the Department of Employment and Workplace Relations (DEWR) that:
- While there is a need for flexibility in skills recognition and processing arrangements, it is equally important that the skill level of temporary and permanent migrants to Australia is maintained ... it is important to ensure that migrants entering

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7 DIMA, *Submission No. 80*, p. 3.

8 Mr Rizvi, DIMA, *Transcript of Evidence*, 5 September 2005, p. 2.

9 Mr Rizvi, DIMA, *Transcript of Evidence*, 5 September 2005, p. 3.

Australia are subject to a skills assessment process of qualifications and work experience that better allow them to satisfy Australian licensing requirements.<sup>10</sup>

- 5.14 This concern was also apparent in a number of the submissions the Committee received. The following comment was very representative:

We are not asking to diminish the level of skills recognition or anything like that but rather to improve the process to one of facilitation rather than one of barrier.<sup>11</sup>

- 5.15 The apparent gap between offshore assessments and the actual skills levels required for a particular trade was commented on in a number of submissions:

The assessments that seem to happen offshore do not always fit the occupational and licensing criteria for onshore, so we have people arrive with great expectations, having gone to quite a lot of expense relocating their families here, only to find that they cannot get licensed or they cannot get employment because they do not have local work experience or they do not have a license – for a whole range of reasons they do not quite fit the occupational needs.<sup>12</sup>

- 5.16 The ideal situation would be for skilled migrants to arrive in Australia job ready and able to enter the work force in their particular occupations without further delay. The current reality in the trades area is unfortunately quite different. Figure 5.1 details the process an overseas trained electrician would have to go through at present in seeking to migrate and work in Australia in that trade.

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10 Ms Connell, DEWR, *Transcript of Evidence*, 5 September 2005, p. 30.

11 Mrs Cunningham, Department of Business, Economic and Regional Development, Northern Territory, *Transcript of Evidence*, 14 November 2005, p. 1.

12 Ms Rogers, Queensland Department of Employment and Training, *Transcript of Evidence*, 9 March 2006, p. 44.

Figure 5.1 Case study of an overseas trained electrician

An electrician coming to Australia under the points tested categories applies firstly to Trades Recognition Australia to see if they have skills as an electrician broadly equivalent to Australian standards. If they do so, they can use that as a basis to apply for points tested migration. Once they arrive, however, they have to obtain what is known as an Australian trades recognition certificate, which is a certificate granted by a tripartite body of industry, unions and the department of employment. That certificate enables them to operate as an electrician in a supervised capacity, but it does not allow them to operate as an electrician in terms of signing-off wiring jobs that might have been done. That can only be done by someone who is licensed. For the electrician to obtain licensing, they have to go the relevant state licensing body and obtain an electrician's license, which may involve further testing of their skills before they can get that. That is a lengthy process. When TRA ticks off the person for migration as an electrician for skilled migration purposes, they advise them through a letter that they send that they are the further steps that they have to undertake. However, once they arrive those steps can take quite a long time and, as a result, there can be quite some dissatisfaction in the individual who probably reasonably expected that the subsequent two steps that they were advised of would occur fairly quickly. Sometimes they do not.<sup>13</sup>

5.17 One of the major deficiencies in the current system is the persistent misapprehension by applicants that pre-migration assessment is the same as post-migration registration and licensing. The need for improved communication about the different stages of the process was a constant theme during the inquiry:

In relation to skill stream migrants, over and over again clients come to see me for general direction as to how they are going to obtain employment. They believe that when they have been assessed offshore they have actually been recognised offshore, so that when they hit Australia they can work as a nurse or an electrician and there are going to be no impediments to that. They do not realise they have to seek recognition – that it is going to be costly; that they may have skills gaps – even though they have a letter. I sometimes point out to them that it states quite clearly that it is for assessment purposes. I would say that 99 per cent of the people that I

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13 Mr Rizvi, DIMA, *Transcript of Evidence*, 5 September 2005, p. 4.



have seen believe that the letter means they are recognised, because it has an ASCO code and looks quite official.<sup>14</sup>

- 5.18 The DIMA website states on the front pages of the SOL form that the ‘assessing authorities are responsible for undertaking skills assessments for migration purposes and are not employment agencies’. However, it is not until page 23 of the document that the statement is made that:

The assessment of your skills by the assessing authority will be for migration purposes only. The outcome of your assessment will not be a qualification. ... If you are successful in your migration application, it is also important to understand that you will not automatically be provided with a qualification in Australia on the basis of your skills assessment. You may be required to undergo further assessment before a decision can be made on whether to issue you with a qualification in Australia.<sup>15</sup>

- 5.19 There is no mention in this particular document that registration or licensing may be required prior to an applicant being able to **work** in their chosen field. The Committee believes a clear statement to this effect should be included in the general information at the start of the SOL document. It is not until the prospective applicant goes to the new part of the DIMA portal, Australian Skills Recognition Information (ASRI), that specific registration requirements are listed. The ASRI site is a major improvement on the level of information provided previously to prospective applicants.

### Recommendation 35

- 5.20 **The Committee recommends that the Skilled Occupation List be amended to include a prominent statement at the start of the document that additional assessments for registration or licensing purposes may be required on arrival in Australia, before an applicant can commence work, and that additional training might be required.**

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14 Ms Winter, South Metropolitan Migrant Resource Centre, *Transcript of Evidence*, 15 November 2005, p. 31.

15 DIMA website, <http://www.immi.gov.au/allforms/pdf/1121i.pdf> (accessed 6 June 2006).

## Pre-migration assessment

- 5.21 Chapter 1 provided details of the groups that require a pre-migration assessment of their skills. In summary they are:
- Primary applicants under the GSM program
  - Applicants under the Employer Sponsored Migration program (although this requirement may be waived under certain conditions).<sup>16</sup>
- 5.22 Other potential migrants to Australia (family stream, humanitarian) and temporary residents such as working holiday makers are not required to have a pre-migration assessment made of any skills they may have.
- 5.23 The primary pre-migration assessing authority in the area of trades is Trades Recognition Australia (TRA), which is part of DEWR. The Vocational Education Training and Assessment Services (VETASSESS), the other significant assessing body in the trade area, deals with a range of occupations that fall outside the traditional trade definition.
- 5.24 The logic of the distinction between who performs the international assessment is not always obvious. For example, plumbing inspectors are assessed by VETASSESS, whereas supervisors (plumbers) are assessed by TRA, as are general plumbers; jockeys are assessed by TRA, but horse riding coaches by VETASSESS; dental hygienists and dental therapists are assessed by VETASSESS, but dental technicians by TRA.<sup>17</sup> TRA has recently been appointed as the assessing authority for child care co-ordinators, a role previously undertaken by VETASSESS.<sup>18</sup> For clients attempting to establish which assessment body is the appropriate one (and also determine which occupation best suits their particular skills set), this blurring of responsibility adds another degree of complexity.

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16 DIMA advised that for the Employer Nominated Scheme, where the trade skills require formal assessment, 'evidence of their acceptance by Trades Recognition Australia or a State government skills assessing body is required. However, where there is a mandatory licensing or registration requirement for their trade, licensing or registration by the appropriate State body is considered equivalent to a successful trade skills assessment', DIMA, *Submission No. 80*, p. 7.

17 See the Skilled Occupation List (SOL), on the DIMA website, <http://www.immi.gov.au/allforms/pdf/1121i.pdf> (accessed 31 July 2006).

18 Announced on TRA website, <http://www.workplace.gov.au/workplace/Category/SchemesInitiatives/TRA/> (accessed on 7 July 2006).

**Recommendation 36**

- 5.25 **The Committee recommends that the Department of Immigration and Multicultural Affairs, along with the Department of Employment and Workplace Relations and the Department of Education, Science and Training, review the assessing authorities in the trades and technical areas to ensure some consistency of approach in allocation of trades to either the Vocational Education Training and Assessment Services or Trades Recognition Australia.**
- 5.26 The processes of both TRA and VETASSESS for assessment of skills for migration purposes are paper based. Under migration regulations, TRA has set Uniform Assessment Criteria (UAC) which it uses to assess applications for the purposes of migration. The UAC applies a 'skills pathways' approach to these assessments – that is:
- TRA skills assessors are required ... to determine an applicant's skilled status, as well as the occupation for which they are to be assessed based on the requirements of at least one of five possible skill pathways, eg formal apprenticeship, informal apprenticeship, vocational traineeship, work experience or an Australian qualification.<sup>19</sup>
- 5.27 DEWR advised that 'TRA has the authority to set its own assessment standards and adopts a flexible approach to assessing applications from skilled trades people, including the recognition of prior learning'.<sup>20</sup>
- 5.28 Most of the qualifications assessed by VETASSESS are in 'generalist occupations' and most do not have a national or state licensing authority 'to validate the qualifications and experience held for the purposes of employment within Australia. With unregulated occupations the recognition of qualifications is usually at the discretion of the employer'. The VETASSESS process involved 'assessing the applicant's qualification according to guidelines published by the National Office of Overseas Skills Recognition (NOOSR)' and providing 'a written statement on whether an applicant's post-secondary qualifications meet the educational requirements of their nominated 'generalist' occupation selected from the SOL'. VETASSESS advised that:

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19 DEWR, *Submission No. 63*, p. 10.

20 Ms Connell, DEWR, *Transcript of Evidence*, 27 March 2006, p. 2.

Unlike some of the other assessing authorities VETASSESS is not required to assess the work experience of applicants in the nominated skilled occupations that it assesses.<sup>21</sup>

## Post-migration recognition

- 5.29 In contrast to pre-migration skills assessment, a wider range of individuals may need to seek post-migration recognition of trade qualifications, including:
- Migrants under the GSM program whose skills are in fields that require registration or licensing;
  - Secondary GSM program applicants (family members et cetera) who may wish to work and thus need to have their skills assessed;
  - Family stream migrants;
  - Humanitarian entrants;
  - Temporary residents who wish to work in fields requiring registration or licensing; and
  - Australian citizens who have returned with overseas qualifications.
- 5.30 The nature of the assessment varies enormously with the type of occupation involved. As noted by VETASSESS, in a number of the occupations it covers there is no regulation and it is up to an employer whether they wish to have some documentary evidence setting out what an overseas qualification may mean in Australian terms.
- 5.31 While not all trades require registration or licensing, a number do. Registration or licensing requirements usually have been legislated 'for public health and safety reasons or to reflect internationally accepted standards of practice'.<sup>22</sup>
- 5.32 Registration and licensing of trades within Australia is primarily a state and territory issue. As DEWR observed:
- The legislation covering the recognition of professional and trade qualifications varies across States and Territories. In order to practice in certain professions and trades, employees must be registered with the relevant Registration Board in the State/Territory ...
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21 VETASSESS, *Submission No. 86*, pp. 4-5.

22 DEWR, *Submission No. 63*, p. 5.

Each occupation, or group of occupations, has its own distinct pathway to recognition as a professional or tradesperson in Australia. The level of recognition in place largely determines the process. Based on this criterion, occupations can be grouped into three categories – those regulated by law, self-regulating and unregulated.<sup>23</sup>

5.33 To illustrate this point, in Queensland, for example, trade recognition processes are conducted by:

- TRA for electrical, engineering and metal trades: successful applicants receive an Australian Recognised Trade Certificate (ARTC) which is mutually recognised in all other states and territories and accepted by licensing authorities;
- the Department of Education and Training's skills recognition unit: successful applicants receive a 'Certificate of Recognition', which is mutually recognised in all other states and territories and accepted by licensing authorities; and
- registered training organisations (RTOs) through the recognition of prior learning (RPL) pathway: the Australian Qualifications Framework (AQF) Certificate III is accepted by some industries and licensing bodies.<sup>24</sup>

5.34 The Queensland Government advised that licensing bodies for the electrical, building and plumbing industries accept only Australian qualifications or Australian trade certificates, and one of the ways of meeting the requirements for a number of license categories is by holding an ARTC. However, as a complicating factor for applicants:

TRA does not assess equivalence for all categories of Queensland electrical work licence, and only provides a tradesman's certificate where an overseas qualification aligns fully with a local licence category. Therefore some applicants who may, for example, have a part qualification or whose work experience and qualification is in an area for which equivalence is not assessed will not gain any recognition. TRA do not assess for equivalence with a Queensland linesperson licence.<sup>25</sup>

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23 DEWR, *Submission No. 63*, p. 8.

24 Queensland Government, *Submission No. 83*, p. 9.

25 Queensland Government, *Submission No. 83*, p. 9.

- 5.35 The information available now through DIMA's web portal, particularly the material on the ASRI part of the site, will assist potential migrants as well as those already in Australia to determine the specific requirements for their particular trade.

### Licensing, registration and mutual recognition

- 5.36 One of the significant frustrations with the present system, clearly identified by the COAG process, is that it is currently difficult for people with trade qualifications to move around Australia to work without undergoing additional testing and registration.

- 5.37 In its submission, DEWR noted:

Subject to certain conditions, if a person is registered to practice an occupation in one Australian State or Territory, they can carry out an equivalent occupation in any other Australian State or Territory **after gaining registration** with the relevant Registration Board.<sup>26</sup> (emphasis added)

- 5.38 Business SA explained the difficulties created by licensing and registration being different in each state, and the limited 'transportability' of such registration:

... we need a much more uniform national system than is in place at the moment. One area in which this is being looked at, which presents as a microcosm of what could be achieved, is in the occupational health and safety area for the licensing of high-risk occupations – scaffolding, dogging and rigging – where they are looking at a national system. It will be administered by the state bodies but it will be a national license and it will be maintained nationally.<sup>27</sup>

- 5.39 COAG is working towards putting in place a more effective mutual recognition arrangement across states and territories, initially in a number of skills shortage trades and ultimately for all licensed occupations.<sup>28</sup> The Committee applauds this move to more effective mutual recognition arrangements in this regard.

- 5.40 Mutual recognition within the trades area is not impossible to achieve. The Committee was advised that already:

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26 DEWR, *Submission No. 63*, p. 8.

27 Mr Frith, Business SA, *Transcript of Evidence*, 14 November 2005, p. 43.

28 COAG, *Communique*, 10 February 2006, p. 14.

There is a body called the electricity regulators association of Australia. It is an informal committee of regulators in each of the states. They have agreed on reciprocity. In fact, not only does that reciprocity operate in all states and territories for electrical workers but also it brings in New Zealand electrical workers. Electrical workers in New Zealand who are licensed have the right to apply. Even though there are separate license issues in each of the states and territories, a New Zealand electrical worker or electrician can come to Australia, show his New Zealand license and be given a New South Wales equivalent. If he moves to Queensland, he will be given the New Zealand equivalent.<sup>29</sup>

## COAG initiatives

5.41 As detailed in Chapter 2, in February 2006 COAG announced a national approach to apprenticeships, training and skills recognition to address the skills shortage facing Australia. In addition to the proposed changes to mutual recognition discussed above, there will also be a new streamlined and robust offshore skills assessment process. DEWR indicated that:

By 1 July 2007, [there will be] a single off shore assessment process which meets migration, qualification recognition and occupational licensing requirements to Australian standards for migrants from the main countries of origin for skilled migrants (namely India, UK, South Africa, Sri Lanka and South Korea) in the following occupations in demand: general electricians, general plumbers, motor mechanics, refrigeration and air conditioning mechanics, carpenters and joiners, and bricklayers ...

By 31 December 2008, a similar overseas assessment process will be available in all countries where there are more than 100 applications per annum per country.<sup>30</sup>

5.42 This will be mirrored by a parallel onshore assessment arrangement for those who are living in Australia and want overseas skills recognised, and provisional licensing so that people with recognised

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29 Mr Tighe, Communications, Electrical and Plumbing Union, *Transcript of Evidence*, 23 November 2005, pp. 88-89.

30 DEWR, *Submission No. 63d*, item 9.

overseas qualifications can work under supervision for short periods, while they complete licensing requirements.<sup>31</sup>

5.43 TRA will have a central role in the new offshore arrangements, as the overseas assessments will be conducted under its auspices by accredited organisations or individuals, with TRA tasked with maintaining the quality of assessments and protecting Australian standards.<sup>32</sup>

5.44 While many of the details are still to be worked out, DEWR advised that:

TRA's role in that process is to establish the offshore assessment authorities and then undertake a monitoring and auditing role of the performance of those assessing authorities. We are still working through how we might best achieve that. It is our expectation that it might be conducted through an open tender process. ...

It will be monitored and audited from here in combination with cooperation from the Department of Immigration and Multicultural Affairs. We will undertake field trips and they will be supplemented by actual on the ground activity through the department.<sup>33</sup>

5.45 The Committee supports this move to improve the offshore skills assessment process but has concerns about the long lead-time to put the revised assessment arrangements in place in the first five target countries for the six priority trades (nearly 18 months since the original decision was announced by COAG); and for the balance of trades and countries it will be nearly three years after the initial decision (December 2008).

5.46 DIMA officials cautioned:

That is considered to be a practicable and reasonable time frame given that the essential precondition for the implementation of those arrangements is the agreement of a single national standard in relation to the six trades concerned.<sup>34</sup>

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31 COAG, *Communique*, 10 February 2006, p. 14.

32 COAG, *Communique*, 10 February 2006, p. 14.

33 Mr Thomas, DEWR, *Transcript of Evidence*, 27 March 2006, pp. 16-17.

34 Mr Mills, DIMA, *Transcript of Evidence*, 27 March 2006, p. 30.



- 5.47 However, the Committee does not believe that those industries already facing delays and severe shortages in attracting skilled migrants would feel that such a timeframe was reasonable.
- 5.48 The Committee does not intend to canvas the nature of the overseas assessment system to be established under the COAG proposals. However, whatever system is established should be transparent, be undertaken by organisations that have a clear understanding of Australian workplaces and how our system works, and maintain the standards necessary to provide public confidence in overseas qualified tradespeople. The Committee believes that the initial system put in place by July 2007 should be independently assessed by a tripartite group comprising industry, union and public service representatives.

### **Recommendation 37**

- 5.49 **The Committee recommends that the operation of the new system of overseas assessment due to be in place in the five target countries by July 2007 be assessed by a tripartite group comprising industry, union and public service representatives.**

## **Trades Recognition Australia**

- 5.50 Trades Recognition Australia has a central role in the assessment of trades skills, not only for migration purposes but also domestically in a small number of significant trades.

### **TRA's pre-migration assessment role**

- 5.51 Under Migration regulation 2.26B(1), TRA is one of a number of designated authorities able to assess the trade skills and work experience of prospective migrants. Prior to 1992, TRA only assessed the 49 occupations listed in the schedules to the *Tradesmen's Rights Regulation Act* (TRR Act) for pre-migration purposes, but since that date it has increased its scope and now assesses over 170 occupations,<sup>35</sup> in occupations as diverse as sign writers, florists, horse trainers and chefs.<sup>36</sup>

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35 DEWR, *Submission No. 63*, p. 9.

36 For more details on the assessing authorities, see the Skilled Occupation list on the DIMA website, <http://www.immi.gov.au/allforms/pdf/1121i.pdf> (accessed 31 July 2006).

- 5.52 The pre-migration assessment role of TRA has steadily increased over a number of years, and international applications now outnumber domestic applications by a factor of 10. For the period 1 July 2005 to the end of February 2006, there were 12,374 applications for pre-migration skills assessment, with domestic applications in comparison numbering 905 for the same period.<sup>37</sup>
- 5.53 Until 30 June 2006, TRA's fees for international applications were \$300 for a standard application, \$500 for a priority application and \$300 for a review application (which may be refundable). The Committee notes that in the period 1 July 2005 to the end of February 2006, 59% of international applicants chose to have their applications treated as a priority, paying the higher fee.<sup>38</sup> Fees are set pursuant to the Australian Government's Cost Recovery Guidelines, and the fee structure was under review during the inquiry.<sup>39</sup>
- 5.54 From 1 July 2006, TRA implemented a standard international application fee of \$300, and there will no longer be a \$500 priority assessment fee. This change was linked to revised performance targets by TRA, with priority given to assessing MODL applications (95 per cent of international MODL applications are to be finalised within 10 working days), with 95 per cent of all other applications to be finalised within 20 working days.<sup>40</sup>

## TRA's domestic assessment role

- 5.55 DEWR through TRA administers the TRR Act. The act provides a mechanism for assessing and formally recognising the skills in the metal and electrical trades of eligible Australian residents<sup>41</sup> who developed their trade skills informally in Australia (through means other than the traditional apprenticeship system), in the Australian Defence Force or overseas. TRA conducts assessments in 49 prescribed metal and electrical trades (set out in the TRR Act and

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37 DEWR, *Submission No. 63b*, p. 7.

38 DEWR, *Submission No. 63e*, p. 2.

39 DEWR, *Submission No. 63*, p. 10.

40 Trades Recognition Bulletin (undated), available at: <http://www.workplace.gov.au/NR/rdonlyres/88CA2A42-CDE7-4A38-9738-20DD5ADED79B/0/TRAFeeBulletin.doc> (accessed 1 August 2006).

41 The Committee received conflicting advice on whether temporary residents could obtain an ARTC through TRA. DEST indicated in its submission that this was the case (*Submission No. 91*, p. 28); but evidence from ILAA (*Submission No. 82*, p. 17) indicated that TRA would not issue an ARTC where the applicant was a temporary resident.

subordinate legislation).<sup>42</sup> The domestic assessment component of TRA's work has been steadily decreasing over the last 15 years.

5.56 The TRR Act's original purpose was to assist in the task of resettling troops returning from the Second World War into the civilian work force and allow people who had developed their trade skills in industry during the war to receive appropriate recognition of those skills. The act was subsequently amended in the 1950s to also provide for the recognition of trade skills of migrants arriving in Australia. For many years it was the only way of providing a nationally accepted qualification as there was no uniformity of trade training and recognition systems across the states.

5.57 The Committee was advised that the system had worked 'relatively well' in meeting Australian industry requirements. There were offshore assessors to assist in assessing the skills of workers overseas. Those assessors:

... were able to travel ... to look at not only the applicants but also the training systems of the various countries. TRA developed criteria for these countries and guidelines for where criteria were not established.

...

We also used to send missions of industry partners and skills assessors overseas to look at systems of training in some of those other countries. ... The last mission to examine overseas skills systems was in the late eighties.<sup>43</sup>

5.58 The TRR Act was amended on a number of occasions during the 1980s and 1990s. By 1998, however, given developments in the Australian recognition framework, the underlying rationale for continuing the act was felt to be no longer necessary and steps commenced to repeal the act. The *Tradesmen's Rights Regulation Repeal Bill 1999* proposed that the original act be repealed and that transitional provisions be put in place to deal with existing applications for skill assessment. While the bill passed the House of Representatives, it was still before the Senate when Parliament was

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42 See *Tradesmen's Rights Regulation Act 1946*, [http://www.comlaw.gov.au/ComLaw/Legislation/ActCompilation1.nsf/0/1F37716EDA2D8EB2CA25713E008212E3/\\$file/TradesRightReg46.pdf](http://www.comlaw.gov.au/ComLaw/Legislation/ActCompilation1.nsf/0/1F37716EDA2D8EB2CA25713E008212E3/$file/TradesRightReg46.pdf) (accessed 25 July 2005).

43 Mr Tighe, Communications, Electrical and Plumbing Union, *Transcript of Evidence*, 23 November 2005, pp. 84-85.

dissolved prior to a general election and was not reintroduced in the following parliamentary term.

- 5.59 The TRR Act covers six trades: engineering, boilermaking, blacksmithing, electrical, sheet metal and boot trades.<sup>44</sup> The act establishes a Central Trades Committee (comprising a representative of the Minister, two employer representatives and two employee representatives) for each of the six trades and a Local Trades Committee (LTC) in each state (comprising a similarly sourced membership).<sup>45</sup> LTCs consider requests for recognition of skills and may grant a tradesman's certificate (an ARTC). The Central Trades Committee supervises the LTCs as to the general procedure to be followed in performing their functions.
- 5.60 TRA fees for domestic applications until 30 June 2006 were:
- Application for trade certificate: \$300;
  - Application for trade certificate (where applicant has already been assessed for migration purposes by TRA): \$100;
  - Trade test: \$270;<sup>46</sup> and
  - Replacement trade certificate: \$130.<sup>47</sup>
- 5.61 New fees were announced by TRA to take effect from 1 July 2006. TRA no longer requires a \$100 application fee for a domestic trade certificate where the person has already been assessed in TRA's international stream, as 'Applicants in these circumstances have already paid an application fee to have their skills assessed in the international stream'. TRA has also implemented a \$300 reapplication fee. In effect this appears to be operating as a type of appeal process, in that:

In the event of an unsuccessful Domestic application, applicants may submit a reapplication with or without additional information. If the decision is overturned with no new information, the \$300 reapplication is returned. If the

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44 The Committee did receive one suggestion that the TRRA be extended to include all trades, but did not consider this appropriate given its conclusions about the operation of the act. See Mr Maxwell, Construction, Forestry, Mining and Energy Union, *Transcript of Evidence*, 23 November 2005, p. 93.

45 Although evidence from DEWR suggests there are no Committees established for boot trades currently. See DEWR, *Submission No. 63c*, p.1.

46 The Committee understands that TRA subsidise the cost of such trade tests (see Mr Thomas, DEWR, *Transcript of Evidence*, 27 March 2006, p. 9).

47 Western Australian Department of Education and Training, *Submission No. 20a*, p. 2.

decision is overturned based on new information, the \$300 reapplication fee is retained.<sup>48</sup>

5.62 As TRA has recognised, a number of the domestic applications it processes include applicants who have already been assessed by it for migration purposes prior to arrival in Australia. Because of time lags, applicants most likely 'had their international assessment in previous financial years'.<sup>49</sup> TRA estimated that, as of April 2006, just over half of TRA's domestic stream applicants had also been assessed through TRA's offshore process. From these figures, it appears that less than 500 domestic applications per year may be 'new' applications, in the sense of not having had any assessment by TRA previously.

5.63 This double handling of applications (assessed once by TRA for migration purposes and then a second time by TRA when onshore for issue of an ARTC) was a source of some understandable frustration:

They have to get here onshore and put basically the same paperwork in again to the same organisation to be assessed for their trade certificate. Isn't there a better way? Can't they combine the list? Can't they do it while they are offshore? Why do they have to wait until they are onshore?

...

If the same organisation is checking it to one list and then waiting for you to get onshore and checking it to another list, surely they can get the one lot of paperwork and expand it to whatever they need so that they can cover both lists with the one application.<sup>50</sup>

5.64 The Committee hopes that the system established under the COAG initiatives will address this issue of double-handling, leading to a situation where the pre-migration assessment is sufficiently rigorous to mean that no further domestic assessment is required for all trades.

5.65 In examining the way in which these domestic applications are assessed the Committee examined the relationship between the TRA assessors and the LTCs. It was explained in the following terms:

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48 TRA Bulletin, <http://www.workplace.gov.au/NR/rdonlyres/88CA2A42-CDE7-4A38-9738-20DD5ADED79B/0/TRAFeeBulletin.doc> (accessed 1 August 2006).

49 DEWR, *Submission No. 63d*, p. 6.

50 Ms Fletcher, Goldfields Esperance Development Commission, *Transcript of Evidence*, 15 November 2005, pp. 48-49.

There are local trades committees established in each state, and they comprise employer and employee representatives. They are the actual bodies that approve applications for domestic skills assessments. TRA's role is to provide them with administrative and secretariat support. It is actually the local trades committee that approves the issuing of Australian recognised trades certificates for domestic purposes.

...

TRA's role is to provide an assessment and a recommendation to the local trades committees. The local trades committee generally meet, although they do do assessments out of session. TRA's role is to provide them with the information necessary for them to make an assessment of an individual's application.

...

TRA provides the administrative support for the LTCs. That would include all direct contacts with applicants. Under committee structure, TRA provides the secretariat to them, so they relay the decisions that are made by LTCs, including where LTCs regard that the skills in the individual may need some further assessment through things such as trade tests. Indeed, trade tests are conducted within the individual's home state or territory. ... In terms of the completeness of the assessment process, the paper assessment is done through the office in Melbourne. That may be supplemented through interviews that are conducted over the phone.<sup>51</sup>

- 5.66 The Committee attempted to determine if TRA had a supervisory role in regard to the Central Trades Committees, but was advised that these committees 'play a key role in determining the [assessment] criteria. They are established in their own right. ... They are responsible for their own performance'.<sup>52</sup>
- 5.67 The actual relationship between TRA, its assessors and the Committees was not always clear, even to those involved in the system:

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51 Mr Thomas, DEWR, *Transcript of Evidence*, 27 March 2006, pp. 4-6.

52 Mr Thomas, DEWR, *Transcript of Evidence*, 27 March 2006, p. 13.

I am on central trades. The [applications] ... that cannot be signed off by a skills assessor come to us; we get the ones in the too-hard basket.<sup>53</sup>

5.68 Given the declining number of applications dealt with, the allocation of nine assessors in the TRA office and the existence of LTCs in most states and territories, the Committee had concerns about the resources being devoted to a diminishing component of TRA's work. The current system of TRA and the Central and Local Trades Committees was defended by the National Electrical and Communications Association (NECA), which held that:

The Central and Local Trades Committees have proved to be efficient and cost effective. They are supported by industry and industry makes available a considerable intellectual capability to support the process, complement the system at no cost to government, other than the direct meeting expenses.<sup>54</sup>

5.69 The Committee was surprised to note, however, NECA's observation that:

... the TRA process has managed the volume of applicants within acceptable timeframes. The procedures for assessing claims, committee attention and response are appropriate. There have been no circumstances of exceptional backlogs or delays in providing a response to applicants.<sup>55</sup>

5.70 This goes against a wealth of other evidence received by the Committee about TRA's performance, detailed later in this chapter.

5.71 Several submissions held that the Trades Committees played a role in considering applications for pre-migration skills assessment.<sup>56</sup> This is clearly not the case, as was confirmed by DEWR, who indicated that 'the international assessment is completely separate to the domestic process'.<sup>57</sup>

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53 Mr Tighe, Communications, Electrical and Plumbing Union, *Transcript of Evidence*, 23 November 2005, p. 86.

54 National Electrical and Communications Association, *Submission No. 53*, p. 2.

55 National Electrical and Communications Association, *Submission No. 53*, p. 2.

56 See for example, CFMEU, *Submission No. 11*, p. 5; and CEPU Electrical Division, *Submission No. 87*, p. 5.

57 Mr Thomas, DEWR, *Transcript of Evidence*, 27 March 2006, p. 14.

## Alternatives to TRA's domestic assessment process

5.72 While the ARTC issued by TRA is widely accepted, it is not the only assessment process available in Australia for those seeking recognition of qualifications in the metal and electrical trades. DEWR advised the Committee that:

... TRA undertakes trades skills assessments for eligible Australian residents in prescribed metal and electrical trades. TRA does not have a monopoly on this activity. Registered training organisations, including state and territory authorities and private organisations, also offer trade skills assessment for Australian residents in the metal and electrical trades.<sup>58</sup>

5.73 State and territory based recognition authorities provide trade recognition by assessing an applicant against specific competencies, leading to the issuing of an AQF Certificate III. From TRA's perspective, however, the AQF is not automatically equivalent to the ARTC. DEWR noted that:

If a person has completed an AQF level III, that is certainly very strong evidence required by TRA to approve their application.<sup>59</sup>

5.74 However, under the UAC, TRA requires applicants to 'provide evidence of relevant and directly relevant work experience equalling not less than 900 hours'.<sup>60</sup>

5.75 DEWR has stated that the AQF does not hold the same level of industry support as the ARTC and that its system is more affordable and timely for applications.<sup>61</sup> While there are issues about the level of acceptability of qualifications outside the ARTC, the Committee received no evidence to support the claims about the affordability and timeliness of the ARTC in relation to other qualifications. DEWR did indicate that COAG initiatives in developing a national approach to apprenticeships, training and skills recognition will strengthen the AQF.

5.76 A major stumbling block to the wider acceptance of the AQF by registration authorities is the lack of preparedness of state registration

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58 DEWR, *Submission No. 63c*, p. 2.

59 Mr Kibble, DEWR, *Transcript of Evidence*, 5 September 2005, p. 35.

60 DEWR, *Submission No. 63b*, p. 15.

61 DEWR, *Submission No. 63d*, item 2.



bodies to accept alternatives to the ARTC. In May 2005 the Minister for Immigration and Multicultural Affairs announced that for the Employer Nominated Scheme, 'as an alternative to TRA, the department would accept a skills assessment from the department of industrial relations in the state or territory where [the person] would be working'.<sup>62</sup>

- 5.77 The Committee was advised that, at least in one state, this did not have the desired result of providing greater flexibility:

DIMIA made this change to try and alleviate some of the processes. It was hoped that this change would allow access to State Licensing for electricians without the need for TRA. However, changes in the Energy Safety assessments in Western Australia have negated this change. In Western Australia currently, even for a temporary visa, a TRA assessment is required for an applicant to be considered.<sup>63</sup>

- 5.78 As with the work currently being done by COAG, greater participation by the states and territories in assessment and recognition across all trades should provide a more flexible and responsive system to all involved:

So any profession ... that requires licensing at a state level, we could just say, 'This is what we find acceptable,' and then could apply straight to our state bodies. We could do that today. If we could come up with a network that says, 'This is what we want on a state basis,' then we could do that. DIMIA has given us that wording in their paperwork to allow us to do that right now. I do not know how well that has been communicated to the states. I think that is where the block is, because I do not think that has been readily accepted, and I do not think the departments here are even aware that they have that power ... If it is a state licensing issue, I think we can make that a lot quicker and a lot easier because we basically have the powers now.<sup>64</sup>

- 5.79 Frustrations with the current system were obvious in the evidence taken by the Committee, leading to a number of options being

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62 Mr Fitzhardinge, Western Australian Skills Advisory Board, *Transcript of Evidence*, 15 November 2005, p. 7.

63 Goldfields Esperance Development Commission, *Submission No. 38*, p. 5.

64 Ms Fletcher, Goldfields Esperance Development Commission, *Transcript of Evidence*, 15 November 2005, pp. 46-47.

suggested. The Goldfields Esperance Development Commission argued:

The streamlining of the process also needs to be addressed. Consideration needs to be given to the requirements of TRA and the State licensing; *are these both necessary?* It may be more appropriate to establish or approve State-assessing bodies for electrical trades. Companies and applicants could then submit the required paperwork to a State body that could determine if they meet the requirements.<sup>65</sup>

5.80 An alternative solution was put by Business SA:

... the best mechanism that Business SA can recommend to resolve the issue is to look at the federal government absorbing responsibilities and powers for licensing and registration of all skill areas if they are not able to be resolved at a national level. This will assist in reducing the complexity of the system and increase the usability and clarity of the different state jurisdiction systems.

... if it cannot be resolved nationally, you could approach this process by trying to get agreement between all jurisdictions and trying to get the processes streamlined. ...we are interested in anything that is actually going to work.<sup>66</sup>

5.81 The Western Australian Chamber of Commerce and Industry noted that the state-based licensing systems were a second assessment process (following TRA approval) and involved additional time delays:

A single State-based system of trades recognition and licensing would provide time and resource efficiencies and speed up the process significantly.

The National Training Quality Council (NTQC) has identified that trying to navigate parallel systems of vocational education and training and licensing requirements presents considerable confusion and translated to additional challenges and impediments for employers and migrants.

...

The difficulties facing employers and migrants would be substantially reduced if the Australian Government were to

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65 Goldfields Esperance Development Commission, *Submission No. 38*, p. 8.

66 Ms Lablack, Business SA, *Transcript of Evidence*, 14 November 2005, pp. 42-43.

allow trades recognition arrangements, currently managed at a national level by TRA, to be amended to allow State based approvals. This should enable arrangements to be put in place for licensing and regulatory requirements to be met at the same time as the trade recognition process.<sup>67</sup>

- 5.82 The Committee fully supports the initiatives underway under the auspices of COAG to bring greater rationality to the system. While there is some appeal in centralising all assessment, recognition and licensing on a national basis, the Committee believes the best way to move forward is to follow the COAG model of more effective mutual recognition across states and territories and standardisation of what skills are necessary for a particular trade.

## Specific issues arising from the TRA process

- 5.83 Criticism of TRA's performance was a strong theme in submissions to the inquiry. Typical of the comments were the following:

The performance of Trades Recognition Australia (TRA) has received widespread criticism for their inflexible approach to skills assessments and appeals processes.<sup>68</sup>

The performance of Trades Recognition Australia has in the past been characterized as poor and unresponsive.<sup>69</sup>

Many of TRA's policies are out of date and fetter skilled migration.<sup>70</sup>

- 5.84 The Migration Institute of Australia summarised the concerns of its members in relation to TRA in the following terms:

- Lack of clear guidelines for assessments
- Lengthy processing times
- Lack of clearly expressed reasons for decisions
- Lack of independent review mechanisms for decisions...
- Poor access to TRA staff during processing
- Not requesting further documentation during processing

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67 Chamber of Commerce and Industry Western Australia, *Submission No. 50*, p. 2.

68 Western Australian Government, *Submission No. 16*, p. 2.

69 Mr Fitzhardinge, WA Skills Advisory Board, *Transcript of Evidence*, 15 November 2005, p. 4.

70 Immigration Lawyers Association of Australia, *Submission No. 82*, p. 17.

- Inconsistency of outcomes – applicants completing identical courses have received different outcomes
- Lack of responsiveness when such issues are raised with management.<sup>71</sup>

5.85 The decline in performance by TRA was traced by one witness to budgetary cuts that affected the way TRA worked:

Since its inception and development through the fifties and sixties until relatively recently – over the last 10 years – it was a good solid system. ... The difficulty some 10 years ago was that the process of the examination of skilled workers from overseas started to change fundamentally. The budget for the work that Trades Recognition Australia undertook was downsized and eventually moved to a full cost recovery arrangement. Overseas assessors were withdrawn and that made the system more paper based. We now have people making more focused paper based assessments, and some of the people making those assessments do not actually hold the qualifications held by the people they are assessing.<sup>72</sup>

5.86 TRA was very aware of the criticisms of its performance and has taken steps during the course of the inquiry to address a number of issues. The Committee was pleased to note that since mid-2005 TRA's performance had improved. DEWR reported that 'the re-engineering of TRA's international business processes in 2004' has led to significant reductions in processing times, while maintaining a high standard of audit and fraud control.<sup>73</sup>

5.87 The Committee was advised:

TRA has made significant improvements to its operations during this and the previous financial year. It has introduced new key performance indicators, it has significantly reduced its assessment turnaround times, it has revised its assessment processes and it has improved client access and information flows to key stakeholders.<sup>74</sup>

5.88 Despite these improvements a number of concerns remain about TRA's performance. These are discussed in the following sections. Because of TRA's dual role, some issues relate more to domestic

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71 Migration Institute of Australia, *Submission No. 34*, p. 25.

72 Mr Tighe, Communications, Electrical and Plumbing Union, *Transcript of Evidence*, 23 November 2005, pp. 84-85.

73 Ms Connell, DEWR, *Transcript of Evidence*, 5 September 2005, pp. 30-31.

74 Ms Connell, DEWR, *Transcript of Evidence*, 27 March 2006, p. 2.

applications, while others relate to TRA's role as a pre-migration assessing authority. Other concerns cover both roles.

### Structural issues

- 5.89 TRA operates in two locations: in Canberra, where international applications are processed, and in Melbourne, where domestic applications are processed. This is a significant contraction of TRA's presence around Australia, with offices in Western Australia, Queensland and Tasmania having been closed in recent years.
- 5.90 There are approximately 30 staff based in Canberra (of which 15 are assessors); in Melbourne there are nine assessing staff, with additional support personnel. Staffing numbers in TRA 'have increased by about 10 overall' since June 2005, and as at March 2006, further recruitment action was underway.<sup>75</sup>
- 5.91 Based on the figures from 1 July 2005 to 28 February 2006, the 15 assessors based in Canberra dealt with 12,374 pre-migration applications; the nine assessors in Melbourne, supporting the LTCs, dealt with 905 applications. This disparity in workload, particularly given that the actual decision-making is with the LTCs, is of concern. The Committee found DEWR's explanation for the disparity less than convincing:

Domestic assessors often need to spend longer on individual cases to prepare submissions to take to the LTCs and conduct face to face technical interviews with applicants. In addition to assessing applications, the domestic assessors are also responsible for some of the administration associated with the LTCs. Domestic assessors also field inquiries from applicants whereas in the international stream there is a business support unit to assist with this role.<sup>76</sup>

- 5.92 Another common complaint was the lack of a TRA presence in the states and associated difficulties in making contact with the two remaining TRA offices by telephone.

- 5.93 State representatives argued for local offices of TRA to be re-established:

If anything becomes complex or requires detailed explanation, it is far more difficult at a distance. ... The fact

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75 Mr Thomas, DEWR, *Transcript of Evidence*, 27 March 2006, pp. 3-4.

76 DEWR, *Submission No. 63d*, item 7.

that there is not a structure that operates from within Western Australia is of major concern.

...

[W]e see that there would be significant benefits in TRA having a local presence and a strong arrangement with bodies such as the overseas qualifications unit from the Western Australian government.<sup>77</sup>

5.94 DEWR argued that re-establishing TRA offices in other locations was not warranted:

... there is simply no business case at the moment. ... the actual local trades committees that exist within each state are the bodies that make the decisions. We merely provide an administrative service, and it is more cost efficient to do that in a centralized fashion.<sup>78</sup>

5.95 DEWR provided the Committee with a table showing the geographic distribution of domestic applications for the period 2003-04 to 2005-06. The Northern Territory and Tasmania, for each of the three years, was the source of seven or less applications each per year. For the remaining states, in the last full financial year (2004-05) numbers were:

■ NSW	177
■ Vic	334
■ QLD	330
■ WA	183
■ SA	106 <sup>79</sup>

5.96 The Committee agrees that, on the basis of these figures, it would be hard to establish a business case to support the reopening of individual state-based TRA offices to deal solely with **domestic** applications. However, the Committee believes that TRA would provide better service to the state and territory Overseas Qualifications Units (OQUs), industry and other stakeholders if it outposted officers to each OQU, similar to the outposting of DIMA officers to industry that has proved so successful. With TRA's enhanced role under the COAG reforms, closer contact and liaison

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77 Mr Fitzhardinge, WA Skills Advisory Board, *Transcript of Evidence*, 15 November 2005, p. 6.

78 Ms Connell, DEWR, *Transcript of Evidence*, 27 March 2006, pp. 5-6.

79 DEWR, *Submission No. 63e*, p. 2.

will be vital to ensure that the reforms proceed and the new systems instituted meet the needs of employers and industry.

### **Recommendation 38**

- 5.97 **The Committee recommends that Trades Recognition Australia transfer officers to state and territory Overseas Qualifications Units (or their equivalent), where justified by demand, to provide direct liaison with all stakeholders to assist in the implementation of the Council of Australian Governments reforms.**
- 5.98 While closure of the state TRA offices may have been as a result of changing business practices, it is important that clients of TRA are able to contact the office in a reasonable timeframe if necessary. The hours for the telephone inquiry line were also criticised. In March 2006, the Committee was advised the hours were:
- For international applicants: 2-5 pm Australian Eastern Standard Time (AEST) on Mondays and Wednesdays; and 9 am-3 pm (AEST) on Fridays. (The Committee notes, however, that the TRA website currently lists contact details on Fridays as being 9 am to 12 noon);<sup>80</sup> and
  - For domestic applicants, contact hours are normal business hours (9 am-5 pm), Monday to Friday.<sup>81</sup>
- 5.99 TRA advised that 'the inquiry line relates to the international application stream of applicants' and that feedback indicated that the majority of applicants were only waiting a short time: 'Those hours are flexible inasmuch as they relate to resource availability to enable our business support unit to deal with applications that come in'. However, the TRA representative went on to indicate that the times would be reviewed in future.<sup>82</sup> TRA also indicated that a message system was on at all times, and contact by email was also another method used by applicants.
- 5.100 The Committee examined the implications for the five main source countries (as identified by COAG) for trades: India, the UK, South Africa, Sri Lanka and South Korea. Based on AEST, the impact is varied across the five countries. For South Korea, the hours are not

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80 TRA website, <http://www.workplace.gov.au/workplace/Category/SchemesInitiatives/TRA/ContactTRA-forpeopleintendingtomigratetoAustralia.htm> (accessed 7 July 2006).

81 DEWR, *Submission No. 63e*, p. 1.

82 Mr Jamonts, TRA, *Transcript of Evidence*, 27 March 2006, pp. 6-7.

too great an impediment to an individual attempting to make contact (AEST minus 1); Sri Lanka and India (AEST minus 4 ½) are still able to contact TRA on the three days at reasonable times. For South Africa and the United Kingdom (AEST minus 8 hours and minus 10 hours respectively), the current business hours require applicants to call in the middle of the night or very early in the morning if they wish to speak to someone in TRA. The Committee concluded that the hours as they stand are largely inadequate for any meaningful contact to be made from those countries.

5.101 It was apparent also that the problem with contacting the TRA office was not just limited to international calls and that there was confusion about the hours within which TRA could be contacted. TRA indicated that for domestic applications 'we generally take calls live but if someone is unable to take a call it goes to an answering machine and we respond to that call as soon as possible'.<sup>83</sup>

5.102 A representative of the Chamber of Minerals and Energy, WA, advised that:

... when an organisation does want to deal with TRA, the TRA office is only open for public phone calls for a very short period of time and on certain days of the week. I think that prohibits the speeding through of the process of recognising skills.<sup>84</sup>

5.103 Not only were the difficulties of making contact an issue; the whole question of use of the telephone to undertake assessment of individuals was also criticised:

One of the problems in this state is that many of our migrants are initially assessed on the telephone and that is a known area of poor performance. It limits their ability for subsequent trade testing within the system at the moment.<sup>85</sup>

... you have to deal with them via the telephone or by letter. Several of my clients have been telephoned and have been given an assessment over the telephone, which includes

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83 Mr Jamonts, TRA, *Transcript of Evidence*, 27 March 2006, p. 8.

84 Ms Thomas, Chamber of Minerals and Energy, Western Australia, *Transcript of Evidence*, 20 April 2006, p. 31.

85 Mr Player, Department of Education and Training, Western Australia, *Transcript of Evidence*, 15 November 2005, p. 18.



industry terminology which the clients are not yet familiar with.<sup>86</sup>

5.104 As the Queensland Department of Employment and Training observed:

It is difficult for people from non-English-speaking backgrounds or from overseas to deal with a government office that has such importance to their career path over the phone. We have difficulty ourselves in our skills recognition office when calling TRA and only receiving an answering machine. Whilst they do call back, our initial contact is always an answering machine.<sup>87</sup>

### Recommendation 39

5.105 **The Committee recommends that, during the period leading up to the introduction of new offshore processing arrangements, Trades Recognition Australia (TRA) expand its international telephone service hours to improve access for the five main source countries for trades. In addition, TRA should ensure that telephone contact from within Australia can be made to both its Canberra and Melbourne offices during normal business hours.**

### Processing times

5.106 One of the major criticisms of TRA centered around the time taken to process assessments. TRA's performance was described as:

... not facilitative, where people were waiting for months and sometimes years for responses, where some of the decisions were made without any explanation whatsoever. ... People were being refused without any explanation, being told they could make an appeal but not being advised on what grounds their application had been refused – whether it was the basis of their formal training, an absence of evidence of their on-the-job experience or a technical problem with their documentation.<sup>88</sup>

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86 Ms Winter, South Metropolitan Migrant Resource Centre, *Transcript of Evidence*, 15 November 2005, p. 32.

87 Ms Rogers, Queensland Department of Employment and Training, *Transcript of Evidence*, 9 March 2006, p. 47.

88 Mrs Cunningham, Department of Business, Economic and Regional Development, Northern Territory, *Transcript of Evidence*, 14 November 2005, p. 2.

- 5.107 While anecdotal evidence varied, it appeared that TRA in the past was taking over three months to process a priority application, and six months for a non-priority application.<sup>89</sup>
- 5.108 On 1 January 2006, TRA introduced a new performance indicator – that 95 per cent of international MODL applications would be assessed within 10 working days. This target was being met when TRA spoke to the Committee in March 2006.<sup>90</sup>
- 5.109 Given the continuing increase in applications being dealt with by TRA and the new responsibilities being allocated to it under the COAG initiatives, the Committee remains concerned that TRA may not be able to sustain the improved response times it has moved to this year. It is important that TRA's performance in meeting these targets is maintained as a return to the long delays of the past is not acceptable.

### TRA's assessment process

- 5.110 TRA's system of assessment of international applications is paper based. While there is detailed information on the web site setting out what is required, TRA was criticised for not seeking additional documentation:

TRA has implemented a policy whereby they will not request additional documentation or engage in any substantive communication with applicants after lodgment. As far as we are aware, all other skills assessing authorities will request necessary additional information.<sup>91</sup>

- 5.111 A second issue was identified by the Queensland Department of Employment and Training:

That is another issue with the TRA pre-migration process: it does not align with the occupations and the qualifications. If a trade recognition process used national competency standards with an AQF outcome then it would satisfy licensing needs across most states and territories. I

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<sup>89</sup> See for example, Mr Webster, Migration Institute of Australia Ltd, *Transcript of Evidence*, 23 November 2005, p. 45; the previous average processing time of 120 working days (ie nearly six months) was referred to in a number of submissions, including Goldfields Esperance Development Commission, *Submission No. 38*, p. 3. One submission (No. 52) told of a four month wait for a priority assessment.

<sup>90</sup> Mr Thomas, DEWR, *Transcript of Evidence*, 27 March 2006, p. 14.

<sup>91</sup> Migration Institute of Australia, *Submission No. 34*, p. 22.

understand COAG is looking at and dealing with the licensing issue ...<sup>92</sup>

5.112 This point was also made by Restaurant and Catering Australia:

Trades Recognition Australia applies a Uniform Assessment Criteria in assessing international stream applications, not the Units of Competency from the National Training Packages. The current assessment of skills is therefore out of step with the industry licensing and recognition processes. The industry does not support this approach.<sup>93</sup>

5.113 The lack of feedback to an applicant was also of concern, particularly in regard to domestic applications when an applicant might be in a position to undertake additional training to meet any gaps in the required competencies. However:

The structure of the assessment process for trade recognition means that an unsuccessful candidate is unable to obtain a statement of those competencies successfully achieved, which would enable employment to be gained on the basis of current skill level. Currently, it is an 'all or nothing' system, which means that pathways cannot be established. The end result is that adults over the age of 21, who wish to get into trade areas that are still operating under the old apprenticeship system, cannot demonstrate to an employer that their additional skill level warrants the additional wage that the employer would have to pay an adult.<sup>94</sup>

5.114 The Communications, Electrical, Electronic, Energy, Postal, Plumbing and Allied Workers Union of Australia was critical of the TRA process in two ways:

- the Skills Assessors are qualified tradesmen, but not necessarily in the same trade as they are assessing, although they are also qualified workplace assessors under the Australian Recognition Framework (ARF); and

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92 Ms Rogers, Queensland Department of Employment and Training, *Transcript of Evidence*, 9 March 2006, p. 45.

93 Restaurant and Catering Australia, *Submission No. 41*, p. 13.

94 Brotherhood of St Laurence, *Submission No. 23*, p. 3.

- TRA relies on country education profiles produced by AEI-NOOSR or Central Trades Committee Tripartite Mission reports, the latter being out of date as such missions ceased in 1988.<sup>95</sup>
- 5.115 The CEPU felt that ‘changes have been made over the last decade to the assessment regime which have weakened the rigorousness of the checking process and made it easier for applicants to engage in credential and experience deception’.<sup>96</sup> The CEPU argued for the reinstating of overseas based assessors to speed up the process ‘as applications could be more quickly technically assessed by people with local knowledge of what constitutes equivalent skills and training’.<sup>97</sup>
- 5.116 The Immigration Lawyers Association of Australia noted that:
- There appears to be a preference for applicants who have completed an apprenticeship type of training be it formal or informal. However, in many countries, trade skills are often gained through work experience. Overall, the TRA approach appears to be narrow and may work against work experience based applicants.<sup>98</sup>
- 5.117 The Committee believes that TRA should reexamine its international assessment processes in the area of metal and electrical trades as part of the move to revised overseas assessment processes. For the period 1 July 2005 to the end of February 2006, 84 per cent of domestic applicants who had previously been accepted by TRA’s international stream obtained an ARTC. However, on these figures, 16 per cent did not, leading to questions about the gap between assessment for migration and assessment to be ‘job ready’. DEWR noted that applicants were unsuccessful because they ‘cannot fulfill a capability-based assessment’.<sup>99</sup> Under the more ‘robust’ off-shore skills assessment envisaged by COAG, the Committee hopes that such failure rates will become a thing of the past.

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95 CEPU, *Submission No. 87*, pp. 2-3.

96 CEPU, *Submission No. 87*, p. 4.

97 CEPU, *Submission No. 87*, p. 6.

98 Immigration Lawyers Association of Australia, *Submission No. 82*, p. 15.

99 DEWR, *Submission No. 63d*, p. 6.

## Appeal process

- 5.118 The review process available to those dissatisfied with a pre-migration assessment decision was also raised with the Committee. A review of the TRA decision can occur, for a fee of \$A300.
- 5.119 The way in which reviews are conducted was also criticised:
- Review of applications however, are confined to the existing documents and no additional clarifications or evidence would be considered. Review applications are assessed in consultation with the primary decision maker.
- TRA advised us that it would be rare for a primary decision to be varied at review. There is a perception that the review process may not be as independent as it should be.<sup>100</sup>
- 5.120 The Committee notes that, under the new fee structure that commenced on 1 July 2006, domestic applicants can reapply, submitting additional information, for a fee of \$300. This is in effect the same as lodging a new (updated) application for assessment.
- 5.121 The Committee notes that if applicants do not get sufficient feedback on why their applications are unsuccessful, the chances of any reapplication (or appeal) is reduced.

## Future directions for TRA

- 5.122 The improvements in TRA's performance over the previous 12 months were noted in evidence to the Committee in the later stages of the inquiry:

I understand that Trades Recognition Australia have improved their processes in recent times.<sup>101</sup>

There have been recent improvements in processing time and there has been more flexibility provided with appeals, but Trades Recognition Australia is such a crucial part of the migration process that it is important not only that it be responsive and efficient, but also that its processes are well

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100 Migration Institute of Australia, *Submission No. 34*, p. 22.

101 Mrs Cunningham, Department of Business, Economic and Regional Development, Northern Territory, *Transcript of Evidence*, 14 November 2005, p. 2.

understood and transparent and that it has a footprint right across Australia.<sup>102</sup>

...there does seem to be a cultural change ... I do not know whether it is due to funding but there do seem to be some new assessors there. The turnaround times do seem to be quicker.<sup>103</sup>

5.123 While those improvements were acknowledged, however, further improvements were sought:

... whilst we acknowledge some recent advice that the system has been improved somewhat lately, it is probably worth reinforcing again that the TRA process ultimately needs to be able to support the Australian government's objective of attracting more skilled migrants to the country rather than being a barrier to the process. It really needs to be much more customer-focused service. At the moment the feedback we get from individuals and migration agents who are assisting people with their migration processes is that ultimately it is not a particularly user-friendly process.

... the current advice that TRA has more resources and is changing its processes to be more user friendly is certainly welcomed, and we just hope that it is maintained.<sup>104</sup>

... TRA has made a few good changes to the way that they communicate with people. ...However, we are still concerned about a few matters with respect to the TRA. ... Firstly, there is a perceived inconsistency with some of their decisions. We have had situations where people with identical qualifications have reached different outcomes through the TRA. Secondly, Trades Recognition Australia, unlike pretty much every other skills-assessing authority, will not request additional documents with respect to an application. They will simply refuse it if the documentation is incomplete. And, finally, the reasons for decisions given by the TRA are very

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102 Mr Fitzhardinge, Western Australian Skills Advisory Board, *Transcript of Evidence*, 15 November 2005, p. 4.

103 Mr Webster, Migration Institute of Australia Ltd, *Transcript of Evidence*, 23 November 2005, p. 44.

104 Mr Hill, Department of Industry and Resources, Western Australia, *Transcript of Evidence*, 15 November 2005, p. 5.

brief and it is very difficult to understand the basis of the refusal.<sup>105</sup>

I think TRA has improved and I would like to see them continue to improve, particularly in relation to customer service. It is the customer service component – opening their hours up a little more, continuing to process applications in a timely manner and the like.<sup>106</sup>

5.124 A word of caution was sounded, however:

... while the TRA changes are good and they show they are moving in the direction of addressing processing times, I think it is a largely cosmetic change. I do not think that is addressing the core issues.<sup>107</sup>

5.125 Given the elaborate system (TRA assessors plus Local and Central Trades Committees) in place for assessing a comparatively small number of domestic applications, the existence of alternative skills assessment pathways and the moves to strengthen the recognition of AQF, the Committee can see little justification for TRA continuing its role in assessment of domestic applications in the area of electrical and metal trades.

#### **Recommendation 40**

5.126 **The Committee recommends that the *Tradesmen's Rights Regulations Act 1946* be repealed, and Trades Recognition Australia cease to conduct domestic assessments of skills in the electrical and metal trades.**

#### **Recommendation 41**

5.127 **The Committee recommends that Trades Recognition Australia confine its activities to the international assessment of overseas qualifications for migration purposes, in line with the Council of Australian Governments directives to guarantee the quality of assessments and protection of Australian standards.**

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105 Mr Webster, Migration Institute of Australia Ltd, *Transcript of Evidence*, 23 November 2005, p. 42.

106 Ms Thomas, Chamber of Minerals and Energy, Western Australia, *Transcript of Evidence*, 20 April 2006, p. 39.

107 Mr Lingham, Absolute Immigration Services, *Transcript of Evidence*, 23 November 2005, p. 46.

**Recommendation 42**

- 5.128 **The Committee recommends that, subject to the Council of Australian Governments' agreement, a state-based trade recognition system be instituted, based around the Australian Qualifications Framework, for those trades currently covered by the Australian Recognised Trade Certificate system.**



## International practice and agreements

- 6.1 This chapter provides a broad overview of the main skills recognition processes, related governing authorities and licensing requirements in four case study countries and compares this with arrangements in Australia. It also maps out the mutual recognition arrangements in skills recognition and licensing that the Australian Government has agreed to, and the international links that Australian based non-government regulatory bodies have made to streamline skills recognition for their members.
- 6.2 This chapter does not map out every mutual recognition agreement in this area signed by each of the case study countries or by their peak regulatory bodies.<sup>1</sup>
- 6.3 Overall, the Australian approach to recognising the skills of foreign trained workers compares favourably with that of other countries. However, as this report has identified areas for improvement and further investigation, there are also some important lessons to be learnt from other countries.<sup>2</sup>

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1 A comprehensive analysis of each country's mutual recognition arrangements is beyond the terms of reference for this review.

2 The Committee acknowledges a paper by Ms Erin Chapman, 'Skills Recognition and Upgrading: Australia, Canada and Singapore', prepared during her period of internship in the office of Senator Stephen Parry. The paper provided valuable background information for part of this chapter.

## International comparisons

- 6.4 This section compares Australia's approach to skills recognition and related issues with the approach taken in this area by New Zealand, Canada, the United States and the United Kingdom. These countries were chosen as case studies because they manage significant migration programs and are currently facing skills shortages in key employment sectors. They all face similar issues in terms of integrating migrants into the labour market.
- 6.5 A recent report commissioned by the Department of Immigration and Multicultural Affairs (DIMA) noted common policy approaches to skilled migration in Australia, New Zealand, Canada and the United Kingdom as each country has:
- Prioritised skilled migration in the recent period;
  - Diversified immigrant source countries and skill levels;
  - Utilised points systems designed to improve selection objectivity while maximising employment outcomes;
  - Increased scope for 'two-step' migration (transition from temporary to permanent status);
  - Strengthened regional initiatives to encourage more geographically dispersed settlement patterns, in relation to both policy input and settlement options; and
  - Attempted to minimise abuse, through the introduction of more coherent and transparent systems.<sup>3</sup>
- 6.6 Given the apparent international convergence on approaches to skilled migration and the international competition for skilled migrants, Australia needs to continue to review and improve its procedures for the recognition of overseas skills.
- 6.7 Previous studies comparing the migration and skills recognition processes of other countries have concluded that Australia is the world leader in this regard.<sup>4</sup>

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3 Birrell et al, *Evaluation of General Skilled Migration Categories*, pp. 123-124.

4 M. Cully and T. Skladzien, *Assessment of Overseas Qualifications and Skills: A Comparative Analysis*, p. 8; and J. Salt, 'Global competition for skills: An evaluation of policies', *Migration Benefiting Australia*, Conference Proceedings Sydney 7-8 May 2002, DIMIA, p. 202.

## New Zealand

- 6.8 The Committee visited New Zealand in August 2006 as part of the annual committee exchange between the two parliaments and took the opportunity to examine New Zealand's skilled migration program and skills recognition process. The Committee was interested to note initiatives in a number of areas – see Figure 6.1. (Some of these areas are discussed in more detail below.)

Figure 6.1 Committee delegation to New Zealand: key observations

### **Review of the Immigration Act**

There is currently a comprehensive review underway of the New Zealand *Immigration Act 1987*, involving extensive community consultation. The review is being undertaken by the New Zealand Government in light of greater global competition for skills and a more diverse population requiring effective settlement outcomes. The Committee will be interested to see the outcomes of the review – in particular, changes made to New Zealand's skilled migration program and skills recognition procedures.

### **Proposed amalgamation of the immigration and refugee appeals tribunals**

As part of the Immigration Act review, the New Zealand Government proposes to establish a single immigration and refugee appeals tribunal serviced by the Ministry of Justice. The new tribunal would provide a single procedure for determining refugee and protection status, and a single right of appeal. The New Zealand Government perceive that this will reduce backlogs, multiple appeal routes, years of delay in awaiting determinations and therefore improve the overall efficiency, fairness and transparency of the appeals system.

### **Qualifications recognition**

The New Zealand Qualifications Authority (NZQA) assesses international qualifications against New Zealand qualifications for migration purposes but does not generally assess work experience. NZQA documentation states that if an individual wishes to practise a profession in New Zealand they may need to apply for registration with, or membership of, a professional body. Skills recognition for the purpose of registration in certain professions in New Zealand appears to be a separate process to that for the purpose of migration. Migrants to New Zealand may therefore experience similar frustrations as expressed by some Australian migrants as a result of a 'gap' between migration and registration skills recognition outcomes.

### **English language proficiency**

New Zealand's skilled migration program generally requires a higher minimum standard of English than that required by Australia under its skilled migration program. Principal applicants in New Zealand generally require an International English Language Testing System (IELTS) overall band score of at least 6.5 whereas in Australia the minimum required standard under the GSM program is generally 'vocational' English – an IELTS band score of at least 5. (However, additional points are awarded under the points test if the applicant demonstrates higher than 'vocational' English and a number of Australian professions, such as the health professions, have mandated IELTS band 7 as the lowest allowable standard.) Further, in New Zealand, if non-principal applicants (partners and dependant children aged 16 or over) do not meet this minimum standard of English, they must pre-purchase English for Speakers of Other Languages (ESOL) training.

Some representatives from the peak New Zealand ethnic groups commented that in some cases they felt the English language requirement for migration was too high, with an over-emphasis on the standard of English. (The importance of English language proficiency to successful employment outcomes is discussed in Chapter 7.)

### **Peak ethnic groups**

The Committee was very interested in the comments from the peak ethnic groups in New Zealand – in particular, the New Zealand Federation of Ethnic Councils – about improving settlement outcomes for migrant communities. The Committee was particularly impressed by the forward vision and commitment of these groups. The groups also highlighted a Canadian online mentoring program to assist in the integration of migrants into the workplace. (This mentoring program is further discussed in the section on Canada later in this chapter, with a recommendation on this area in Chapter 7.)

### **Strong links between New Zealand and Australia**

The Committee noted the strong links and commonalities between Australia and New Zealand and the high level of information sharing and cooperation – on immigration issues, refugee settlement and border control, for example – between authorities in each country.

- 6.9 New Zealand is currently conducting a comprehensive review of its immigration program, including an examination of the legislative

foundation for the program, implementation of a new business model and revision of the policy framework.<sup>5</sup>

- 6.10 The broad aims of the review are to ensure that:
- New Zealand has the skills, talent and labour it needs, now and in the future
  - New Zealanders are confident of the security of [their] border and
  - Migrants and refugees settle well and integrate into communities.<sup>6</sup>
- 6.11 In April 2006, the Minister for Immigration, the Hon David Cunliffe, released a wide-ranging discussion paper on the first part of the review, the Immigration Act Review. The scope of the review includes the purpose and principles of the act, visas and permits, decision making, removals, appeals processes, compliance, enforcement and detention.<sup>7</sup>
- 6.12 The New Zealand Government has called for submissions to the review and it is anticipated that proposed revisions to the act will be considered by Cabinet in late 2006, with a bill to Parliament in 2007. This is the first major review of the act since it was established in 1987.<sup>8</sup>
- 6.13 For the year to December 2005, New Zealand recorded 78,963 permanent long-term arrivals and 71,992 departures, with net migration at 6,971. Arrivals from the UK made up the largest migrant group (22,013), followed by migrants from Australia (13,389), China (4,102) and the United States (3,674).<sup>9</sup>
- 6.14 Approximately 60 per cent of migrants to New Zealand arrive under the Skilled Migration category. Most of these applications are

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5 New Zealand Department of Labour, *Immigration Act Review Discussion Paper*, Wellington, 2006, p. 2.

6 New Zealand Department of Labour, *Immigration Act Review Discussion Paper*, p. 2. It appears that skills recognition may fall under the migrant settlement and integration component of the broader review.

7 New Zealand Department of Labour, *Immigration Act Review Discussion Paper*, pp. 13-22.

8 Media release by the Hon David Cunliffe, Minister for Immigration, 'Sweeping review of immigration laws unveiled', Media Release, 5 April 2006, <http://www.beehive.govt.nz/ViewDocument.aspx?DocumentID=25371> (accessed 2 August 2006).

9 New Zealand Department of Labour, 'Quarterly Migration Update—December 2005', Wellington, p. 1.

approved onshore and the majority of migrants in this category already have jobs or job offers.<sup>10</sup>

- 6.15 Under the Trans-Tasman Travel Agreement, citizens of Australia may visit New Zealand, and vice versa, without formal authority. Just over 34,000 New Zealanders departed to Australia in the year to December 2005.<sup>11</sup>

### Approach to skilled migration

- 6.16 New Zealand has refined its process for selecting skilled migrants in recent years. Since 2003 prospective migrants have been required to complete an Expression of Interest (EOI) form, including a self-assessment against:

- Age;
- Health and character;
- English language skills;
- Employability; and
- Recognised qualifications or work experience.<sup>12</sup>

- 6.17 Applicants are awarded points on their suitability and EOIs are placed in a pool. EOIs are selected on the basis of score attained.<sup>13</sup> The information in selected EOIs is then verified and successful candidates are invited to apply for residence.<sup>14</sup>

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10 Media release by the Hon Paul Swain, the then Minister for Immigration, 'Government meets immigration programme', Media Release, 13 July 2005, <http://www.beehive.govt.nz/ViewDocument.aspx?DocumentID=23666> (accessed 15 June 2006); and OECD, *International Migration Outlook*, SOPEMI, Paris, 2006, pp. 202-203.

11 New Zealand Department of Labour, 'Quarterly Migration Update – December 2005', Wellington, p. 5. New Zealand emigration to Australia under the TTTA is sometimes referred to as 'backdoor migration' and raises further issues for skills recognition and is discussed later in this chapter.

12 Immigration New Zealand, <http://www.immigration.govt.nz/migrant/stream/work/workandlivepermanently/howdoiapply/expressionofinterest> (accessed 15 June 2006).

13 Those who score 140 points and above on their EOI are directly selected from the pool. See Media Release by the Hon David Cunliffe, Minister for Immigration, 'Skilled Migrant Category changes benefit NZ employers', Media Release, 21 December 2005, <http://www.beehive.govt.nz/ViewDocument.aspx?DocumentID=24681> (accessed 2 August 2006).

14 Immigration New Zealand website, <http://www.immigration.govt.nz/migrant/stream/work/workandlivepermanently/LinkAdministration/MoreInformationLinks/SMChowitworks.htm> (accessed 15 June 2006).

- 6.18 An EOI attracts additional points where the nominated qualification matches the New Zealand List of Recognised Qualifications or there is an attached qualification assessment by the New Zealand Qualifications Authority (NZQA).<sup>15</sup>
- 6.19 NZQA can provide prospective migrants with a Pre-Assessment Result and a Qualifications Assessment Report:
- A Pre-Assessment Result is a report that compares an applicant's nominated qualification to a Level on the New Zealand Register of Quality Assured Qualifications. It is made on the understanding that:
    - ⇒ a pre-assessment result is based solely on unverified information provided by the applicant on the application form; and
    - ⇒ no documentation is sighted; and
    - ⇒ only one overseas qualification is compared; and
    - ⇒ when an application for residence is made, a full assessment (a Qualifications Assessment Report) will be required to determine whether a qualification (or group of qualifications) will qualify for points.
  - A Qualifications Assessment Report:
    - ⇒ assesses an overseas qualification (or group of qualifications) by stating the learning outcomes of the closest New Zealand equivalent qualification;
    - ⇒ states the New Zealand Register of Quality Assured Qualifications level of that equivalent qualification; and
    - ⇒ refers to any verification of the applicant's qualifications undertaken by the NZQA.<sup>16</sup>
- 6.20 A Pre-Assessment Result would normally be submitted at the initial EOI stage. A Qualifications Assessment Report is formal, binding and a requirement of the final stage of residence application.

### Other skills recognition processes

- 6.21 NZQA is an authority defined by the *Crown Entities Act* 2004 and established by the *Education Act* 1989. The NZQA has oversight of qualifications recognition for migrants and employers, as well as a

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15 Immigration New Zealand website, <http://www.immigration.govt.nz/migrant/stream/work/workandlivepermanently/caneworkinnz/whatisrequired/recognisedqualifications/gainingpoints.htm> (accessed 15 June 2006).

16 Immigration New Zealand website, [http://www.immigration.govt.nz/nzis/operations\\_manual/6674.htm](http://www.immigration.govt.nz/nzis/operations_manual/6674.htm) (accessed 15 June 2006).

broader role in administering qualifications standards, including providing quality assurance for the tertiary sector and administering the National Qualifications Framework.<sup>17</sup>

- 6.22 'Standard' qualification recognition services require a duration of 20 working days to complete. The fee for a standard application for assessment is NZ\$450.<sup>18</sup> At the time of writing, there appeared to be no government supported reimbursement or loan system available to applicants.
- 6.23 NZQA does not assess informal or in-service courses and generally does not assess work experience, except in cases where such experience is a requirement of the equivalent qualification in New Zealand.<sup>19</sup>
- 6.24 There are 32 regulated professions in New Zealand covered by 10 registration authorities.<sup>20</sup> Unlike Australia, New Zealand is a unitary state and does not have to deal with issues of different jurisdictional bodies and related requirements regulating the same occupations.
- 6.25 Licensing and membership of a professional body for certain occupations in New Zealand requires a further application, according to the particular occupation's national professional association requirements. NZQA also assists applicants in making contact with professional associations.<sup>21</sup>
- 6.26 Settlement services in New Zealand received a significant boost with the implementation of the government's 2004 *New Zealand Immigration Settlement Strategy* for migrants, refugees and their families. The 2004 Budget allocated \$62 million over four years to the strategy to ensure that migrants and refugees:
- Obtain employment appropriate to their qualifications and skills;
  - Are confident using English in a New Zealand setting, or can access appropriate language support to bridge the gap;

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17 NZQA website, <http://www.nzqa.govt.nz/about/services/index.html> (accessed 13 June 2006).

18 NZQA website, <http://www.nzqa.govt.nz/for-international/qual-eval/international/fees.html> (accessed 13 June 2006).

19 NZQA website, <http://www.nzqa.govt.nz/for-international/qual-eval/international/faq.html> (accessed 15 June 2006).

20 NZQA website, <http://www.nzqa.govt.nz> (accessed 15 June 2006).

21 NZQA website, <http://www.nzqa.govt.nz/for-international/qual-eval/international/faq.html> (accessed 13 June 2006).



- Are able to access appropriate information and responsive services that are available to the wider community (for example housing, education, and services for children);
  - Form supportive social networks and establish a sustainable community identity;
  - Feel safe expressing their ethnic identity and are accepted by, and are part of, the wider host community; and
  - Participate in civic, community and social activities.<sup>22</sup>
- 6.27 The strategy includes funding for the provision of customised career information, advice and guidance for migrants and refugees to assist with their integration into the New Zealand labour market. The labour market information program, provided by Career Services, includes special funding to assist up to 1,200 migrants who are not in work commensurate with their skills and qualifications or are out of work. The program provides, among other things, information about employment opportunities and guidance on workplace culture and employer expectations.<sup>23</sup>
- 6.28 In August 2004 the Department of Labour released summary feedback from consultations with migrant communities and service providers on the operation of the strategy. In regard to qualification recognition, the department heard that:
- Improved processes are needed for the registration of medical professionals, with benchmarking of qualifications so the registration process is transparent.
  - Clearer information and assistance about the options for retraining to attain valid qualifications is needed, and funding should be available for the retraining of migrants whose qualifications are not recognised.<sup>24</sup>
- 6.29 In February 2006, Mr Cunliffe announced a further boost to settlement services by launching the Waitakere Settlement Support New Zealand Initiative. The initiative is part of the New Zealand Immigration

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22 Immigration New Zealand website, <http://www.immigration.govt.nz/community/stream/support/nzimmigrationsettlementstrategy> (accessed 14 June 2006).

23 New Zealand Government, *The New Zealand Settlement Strategy in Outline: A Future Together*, Department of Labour, Wellington, 2004, p. 15.

24 New Zealand Government, *Feedback from the Initial Dialogue with Stakeholders (30 July to 13 August 2004)*, Department of Labour, Wellington, 2004, p. 23. At the time of writing it was not clear how the feedback on skills recognition was used to further develop policy approaches in this area.

Settlement Strategy and will strengthen integrated community based support in partnership with the Waitakere City Council.<sup>25</sup>

- 6.30 New Zealand's Migrant Follow Up Survey (MFUS), which tracked the settlement outcomes for over 2,000 skilled migrant respondents, indicated strong settlement outcomes, with a 95 per cent employment rate from that migrant group three to five months after taking residence. The survey also reported a good level of satisfaction with settlement programs.<sup>26</sup>
- 6.31 The survey identified skills recognition as a moderate issue for skilled migrants. Almost 90 per cent of respondents did not seek assistance in obtaining recognition of their qualifications. However, of those who did, about one quarter did not receive the assistance they required.
- 6.32 Fifteen per cent of MFUS respondents considered that more information on getting qualifications recognised by registration boards was required. This issue was ranked fifth out of eleven areas where more information was required, behind information about health services, the tax system and pension plans.<sup>27</sup>
- 6.33 The New Zealand Government has also launched a drive to encourage the return of expatriates in Australia and elsewhere and entice skilled migrants, through a campaign called New Zealand Now. The New Zealand Now website provides current information on New Zealand lifestyle, the business environment and recreation activities.<sup>28</sup> In June 2004, there was an estimated 450,000 New Zealand citizens in Australia.<sup>29</sup>
- 6.34 The Committee heard from one witness that skills recognition processes in New Zealand have a reputation for being less rigorous than those in Australia and may be a better option for migrants seeking skills recognition:
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25 Media release by the Hon David Cunliffe, Minister for Immigration, 'Launch of the Waitakere Settlement Support New Zealand Initiative', 10 February 2006, <http://www.beehive.govt.nz/ViewDocument.aspx?DocumentID=24910> (accessed 15 June 2006).

26 R. Wallis, *Skilled Migrants in New Zealand: A Study of Settlement Outcomes*, Department of Labour, Wellington, 2006, pp. 37-39.

27 The report also noted limitations in the coverage of the survey which may bias the sample, such as a low return rate and an over-representation of migrants from the United Kingdom, and an under-representation of Chinese migrants, compared with the demographic profile of skilled migrants.

28 New Zealand Now website, <http://newzealandnow.info> (accessed 3 July 2006).

29 DIMA, 'New Zealanders in Australia', Fact sheet No. 17, <http://www.immi.gov.au/facts/17nz.htm> (accessed 9 June 2006).

... migration agents actually recommend to their clients that they go to New Zealand and it is also recommended to health professionals that they go there and then come across ... They find it very cumbersome to get through the process with Trades Recognition Australia and the assessment process to get into New Zealand is a lot quicker ...<sup>30</sup>

- 6.35 Evidence to the Committee did not support the claim that under-qualified doctors can migrate from New Zealand to Australia under the Trans-Tasman Travel Agreement and gain recognition in Australia. In some respects, recognition of medical qualifications can be tougher in New Zealand, and some of the specialist medical colleges are colleges of Australia and New Zealand.<sup>31</sup>
- 6.36 While New Zealand requires a higher standard of English to practise as a veterinarian than Australia, the clinical examination fee in New Zealand is half of what is charged in Australia (\$6,000). There may be an incentive for overseas trained vets to migrate to New Zealand and then move to Australia (under the Trans-Tasman Travel Agreement) to practise, as the Australasian Veterinarian Boards Council automatically grants licences to members of the New Zealand Veterinary Association.<sup>32</sup>
- 6.37 New Zealanders may have their skills recognised through the Trans-Tasman Mutual Recognition Arrangement or, where applicable, through an occupation specific agreement between the professional regulatory bodies in Australia and New Zealand (these are further discussed below). In such circumstances migrants from New Zealand may avoid assessment by Trades Recognition Australia (TRA) and Australian Education International-National Office of Overseas Skills Recognition (AEI-NOOSR).
- 6.38 However, it is unlikely that migrants could gain entry to Australia and practise their profession any quicker by migrating to New

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30 Ms Fletcher, Goldfields Esperance Development Commission, *Transcript of Evidence*, 15 November 2005, p. 44. The submission from the Western Australian Department of Education and Training also detailed a case study of a plumber who considered moving to New Zealand following a frustrating experience of trying to have his skills recognised through TRA – see *Submission No. 20*, p. 16.

31 Ms Cole, Department of Health and Ageing, *Transcript of Evidence*, 27 February 2006, p. 16.

32 Dr Strous, Australasian Veterinary Boards Council, *Transcript of Evidence*, 24 November 2005, p. 86 and p. 88.

Zealand first.<sup>33</sup> Furthermore, the cost of migrating twice would be a significant disincentive to migrate to New Zealand with the short-term intention of settling in Australia.

- 6.39 New Zealand may have a natural advantage over Australia in addressing the needs of migrants with overseas qualifications in that it does not carry the bureaucratic burden of internal jurisdictions. Skills recognition may also be more streamlined in New Zealand due to its smaller population and lower level of immigration. However, the service provided by NZQA focuses on formal credentials to the exclusion of work experience/workplace competence.

## Canada

- 6.40 The recently elected minority government of Canada is working to streamline and better coordinate skills recognition processes in order to make better use of migrant skills, improve Canada's international competitiveness in the market for skilled labour<sup>34</sup> and address the nation's skill shortage.<sup>35</sup>
- 6.41 The issue of skills recognition gained prominence in Canada as part of the Conservative Party's immigration platform for the 2006 federal election. The Conservative Party made the following election pledge:
- Create a Canadian Agency for Assessment and Recognition of Credentials, to provide pre-assessment of international credentials and experience. We will work with the provinces and professional associations to ensure foreign-trained professionals meet Canadian standards while getting properly trained professionals working in Canada quickly.<sup>36</sup>

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33 Assuming they travel under the Trans-Tasman Travel Agreement, which applies to citizens of both countries. Typically, citizenship in New Zealand may be granted for three to five years following the attainment of permanent residency, which itself may take up to five years. See New Zealand Department of Internal Affairs website, [http://www.dia.govt.nz/diawebsite.nsf/wpg\\_URL/Services-Citizenship-Requirements-for-New-Zealand-Citizenship?OpenDocument](http://www.dia.govt.nz/diawebsite.nsf/wpg_URL/Services-Citizenship-Requirements-for-New-Zealand-Citizenship?OpenDocument) (accessed 16 June 2006).

34 Canada has noted that Australia has performed better in closing the income gap between migrants and non-migrants — see *Canada's Innovation Strategy, Part Two: Knowledge Matters: Skills and Learning for Canadians*, Human Resources Development Canada, Hull, p. 54.

35 Conservative Party of Canada, *Stand up for Canada: Conservative Party of Canada Federal Election Platform*, Ottawa, 2006, p. 38 (accessed 7 June 2006).

36 Conservative Party of Canada, *Stand up for Canada: Conservative Party of Canada Federal Election Platform*, Ottawa, p. 38.

- 6.42 Led by the Conservative Party leader, Stephen Harper, the government's first budget set aside funds for developing the new foreign credentials recognition body and allocated an additional \$307 million in funding over two years for immigration settlement measures.<sup>37</sup>
- 6.43 Prime Minister Harper described Canada's current skills recognition process as excessively bureaucratic:
- Immigrants often face a strange web of bureaucracy and an unfamiliar jungle of red tape. In Canada there are 13 different jurisdictions, 15 regulated professions, and more than 400 regulatory bodies.<sup>38</sup>
- 6.44 Similar to Australia, Canada currently has a variety of regulatory bodies, with oversight of skills recognition which differs according to the jurisdiction and type of skills assessed. Unlike Australia, Canada currently has minimal formal processes for assessing skills of migrants at the application stage.
- 6.45 The Government of Canada shares jurisdiction over immigration with its provinces and territories and this is administered through comprehensive framework agreements on a range of matters, including the number of migrants and settlement services. For the year ending 2004, Canada admitted 235,824 new permanent residents, 57 per cent of which were under the 'economic class', including 113,442 skilled workers. The top source countries were China (36,411), India (25,569), Philippines (13,301) and Pakistan (12,796).<sup>39</sup>

### Approach to skilled migration

- 6.46 Skilled workers seeking to migrate to Canada must, among other things, meet the minimum requirement of one year full-time work experience, in the previous 10 years, in a particular skilled category listed in the Canadian National Occupational Classification. Applicants are screened on their work experience by undertaking a self-assessment through the Department of Citizenship and

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37 Prime Minister Stephen Harper, 'Promoting opportunity for new Canadians', Speech to migrants in suburban Toronto, 12 May 2006, <http://www.conservative.ca/EN/1004/42890> (accessed 7 June 2006).

38 Prime Minister Harper, 'Promoting opportunity for new Canadians'.

39 Citizenship and Immigration Canada, *Annual Report to Parliament on Immigration 2005*, [http://www.cic.gc.ca/english/pub/annual-report2005/section3.html#table\\_5a](http://www.cic.gc.ca/english/pub/annual-report2005/section3.html#table_5a) (accessed 7 June 2006).

Immigration Canada website.<sup>40</sup> Additional points are awarded based on the years of experience in a profession, local experience and arranged job offers.

- 6.47 In contrast to Australia's practice of pre-migration screening of skills and qualifications for a nominated occupation, Canada's more liberal processes for assessing skilled migrants are informal and advisory. All skills assessment is undertaken onshore. At the time of writing, pre-migration skills assessment was not undertaken.<sup>41</sup>
- 6.48 Canada's approach to skilled migration has been described as a 'human capital model', where applicants are valued not only for their ability in a profession or trade but also for their flexibility and adaptability in the changing labour market.<sup>42</sup>
- 6.49 Canada has maintained this human capital approach despite the widening gap in employment outcomes between migrants and non-migrants, the lower than expected employer acceptance of migrant credentials and the more stringent credential based procedures of regulatory bodies. Major costs of this approach, compared with Australia's screening of skilled migrants, are lower employment outcomes and under-utilisation of migrant skills,<sup>43</sup> with a resultant shortfall in productivity gains than would otherwise have been achieved.

### General skills recognition processes

- 6.50 The main government sponsored initiatives for post-migration skills assessment and recognition in Canada are the national Foreign Credential Recognition (FCR) program, the Canadian Information Centre for International Credentials (CICIC), the Alliance of Credential Evaluation Services of Canada and the Interprovincial Standards Red Seal Program. Canada also has a number of smaller national and provincial based programs supporting the recognition of foreign skills and credentials.

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40 Canadian Information Centre for International Credentials, Minimum Work Requirements, <http://www.cic.gc.ca/english/skilled/qual-2.html> (accessed 31 May 2006).

41 Canadian Information Centre for International Credentials, 'Assessment and recognition of credentials for the purpose of employment in Canada', Fact sheet No. 2, <http://www.cicic.ca/en/page.aspx?sortcode=2.17.20> (accessed 6 June 2006).

42 Birrell et al, *Evaluation of General Skilled Migration Categories*, p. 125.

43 Birrell et al, *Evaluation of General Skilled Migration Categories*, p. 147.

- 6.51 The FCR program is one element of the Canadian Government's Internationally Trained Workers Initiative, which coordinates over 14 federal departments to assess the education credentials and job experience of foreign trained workers. The program is supported by a government commitment of \$68 million over the next six years. FCR operates through coordinating and engaging provincial and territorial governments, licensing and regulatory bodies, sector councils and other stakeholders. While FCR is a federal program, the recognition of regulated occupations remains a provincial responsibility.<sup>44</sup>
- 6.52 CICIC was established in 1990 to assist Canada in fulfilling its obligations under the UNESCO Convention on the Recognition of Studies, Diplomas and Degrees concerning Higher Education in the States belonging to the Europe Region. The Centre collects information on the recognition of occupational credentials in Canadian provinces and supports the development of initiatives for greater recognition and portability of foreign credentials.
- 6.53 CICIC also refers people seeking skills recognition to Canada's provincially mandated services:
- Academic Credentials Assessment Service, Manitoba;
  - International Credential Evaluation Service, British Columbia;
  - International Qualifications Assessment Service, Alberta, Saskatchewan, Northwest Territories;
  - Service des évaluations comparatives d'études, Québec; and
  - World Education Services – Canada, Ontario.<sup>45</sup>
- 6.54 While there are no common standards for assessing qualifications, the provincially mandated services, through their peak body, the Alliance of Credential Evaluation Services of Canada, have developed Guiding Principles for Good Practice. These principles include non-discrimination, adequate access to skills assessment, and a clear, rational and reliable procedure.<sup>46</sup>

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44 Government of Canada, Foreign Credential Recognition website, <http://www.hrsdc.gc.ca/en/cs/comm/hrsd/news/2005/050425bb.shtml> (accessed 7 June 2006).

45 CICIC website, <http://www.cicic.ca/en/page.aspx?sortcode=2.17.22> (accessed 7 August 2006).

46 Alliance of Credential Evaluation Services of Canada, *General Guiding Principles for Good Practice in the Assessment of Foreign Credentials*, ACESC, Toronto, 1998, p. 2.

- 6.55 Assessments by the provincially mandated services are essentially advice on comparisons of foreign and Canadian qualifications. The assessments do not guarantee the acceptance of foreign qualifications for the purposes of employment, certification, immigration or further studies in Canada.<sup>47</sup>
- 6.56 The Interprovincial Standards Red Seal Program was established in 1952 to promote the mobility of tradespeople across Canada. The program recognises some trade skills and qualifications at a national level allowing the Red Seal holder a kind of passport to work anywhere in Canada.<sup>48</sup>
- 6.57 Red Seal certification is mandatory for some trades in some provinces. In 2004 over 30,000 Red Seal examinations were administered for 45 designated Red Seal trades.<sup>49</sup> However, not all trades and provinces are covered.
- 6.58 The Canadian Institute for Recognising Learning is another body that supports recognition of foreign credentials by working with education institutions, government departments, industry, professional and regulatory bodies, and community based organisations.<sup>50</sup> The institute does not directly provide assessment services.
- 6.59 Other provincial projects include the:
- Government of Ontario Bridge Training Project;
  - Ottawa Leadership Council's Moving Forward Project;
  - Toronto Region Immigrant Employment Council; and
  - British Columbia International Qualifications Program.

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47 CICIC, 'Assessment and recognition of credentials for the purpose of employment in Canada', Fact sheet No. 2, <http://www.cicic.ca/en/page.aspx?sortcode=2.17.20> (accessed 6 June 2006).

48 Interprovincial Standards Red Seal Program website, <http://www.red-seal.ca> (accessed 7 June 2006).

49 Canadian Council of Directors of Apprenticeship, *Annual Report 2004*, CCDA, p. 6.

50 Canadian Institute for Recognising Learning website, [http://www.cirl.org/about\\_us.html](http://www.cirl.org/about_us.html) (accessed 7 June 2006).



- 6.60 All of these programs aim to improve the labour market integration of migrants, improve access to information and promote a more integrated approach to skills recognition.<sup>51</sup>
- 6.61 In June 2006 the Ontario Government announced its intention to introduce the *Fair Access to Regulated Professions Act* into parliament. The act would apply to 34 regulated professions in Ontario, including physicians, accountants, lawyers, teachers, engineers and social workers.<sup>52</sup>
- 6.62 The Ontario Government also announced a Loans Program to provide loans of up to \$5,000 to cover assessment, training and exam costs for new migrants.<sup>53</sup>
- 6.63 Skilled workers seeking recognition of their qualifications and assistance in establishing themselves in their profession can access career mentoring programs such as that provided by CanadaInfoNet (Canadian Information and Networking Services). The Toronto Region Immigrant Employment Council also provides an occupation specific mentoring program for skilled migrants.<sup>54</sup>
- 6.64 CanadaInfoNet provides mentoring and information resources to assist skilled and experienced professionals and tradespeople considering migration, or those who have already migrated, make the most of their expertise in Canada. Prospective and settled migrants interact with volunteer mentors through an online forum. The program is supported by a non-government organisation funded through federal and provincial grants and donations.<sup>55</sup>
- 6.65 The Committee notes the potential value of an online occupation mentoring program to provide industry and state specific guidance
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51 Canadian Alliance of Education and Training Organization, *Foreign Credential Recognition: An Overview of Practice in Canada*, Human Resources Partnerships Directorate, Government of Canada, 2004, pp. 10-12.

52 News Release by the Ontario Government, 'McGuinty Government to Introduce Legislation to Help Internationally Trained Professionals, News Release, 2 June 2006, <http://www.citizenship.gov.on.ca/english/about/n030606.htm> (accessed 7 June 2006).

53 News release by the Ontario Government, 'McGuinty Government Breaks Down Barriers For Newcomers', News Release, 3 June 2006, <http://www.citizenship.gov.on.ca/english/about/n030606.htm> (accessed 07 June 2006).

54 CanadaInfoNet website, <http://www.canadainfonet.org/about%20us/default.asp?s=1> (accessed 7 June 2006). This was brought to the attention of the Committee by Ms Howell, Migrant Employment and Training Taskforce, *Transcript of Evidence*, 23 November 2005, p. 20. See Toronto Region Immigrant Employment Council, 'The Mentoring Partnership', <http://www.triec.ca/mentoring/> (accessed 7 July 2006). For an overview of international refugee mentoring programs, see *Exhibit No. 54*.

55 JVS Toronto website, <http://www.jvstoronto.org> (accessed 6 June 2006).

on skills recognition before a migrant has entered Australia. This is further discussed in Chapter 7.

- 6.66 Migrants to Canada can also access a number of other settlement programs including Language Instruction, the Immigrant Settlement and Adaptation Program and the Host Program. There are also a range of refugee programs and services.<sup>56</sup> Table 6.1 sets out other Canadian migrant employment programs of relevance.

Table 6.1 Other Canadian migrant employment programs

Employment Mentoring	<ul style="list-style-type: none"> <li>• Mentoring Partnership Program (Toronto)</li> <li>• Mentoring Program for Migrant Women (Ottawa)</li> <li>• Supported Volunteering program for New Canadians (Ottawa)</li> </ul>
Apprenticeship	<ul style="list-style-type: none"> <li>• Career Bridge Program (Ontario)</li> <li>• New Immigrant Workforce Development Project (Calgary)</li> <li>• Programme d'aide à l'intégration des immigrants et des minorités visibles en emploi (PRIIME) (Québec)</li> </ul>
Bridging/Training	<ul style="list-style-type: none"> <li>• Talent at Work Program (Ontario)</li> <li>• Gong Global for Canadian Women Micro-Entrepreneurs (Ontario)</li> </ul>
Employment/Bridging Courses	<ul style="list-style-type: none"> <li>• The Immigrant Access Fund (Calgary)</li> <li>• Immigrant Employment Loan Program (Toronto)</li> </ul>
Multi-stakeholder Workforce Integration Initiatives	<ul style="list-style-type: none"> <li>• Community Consultation: Immigrant Skills Workforce Integration</li> <li>• Waterloo Region Immigrant Employment Network</li> <li>• Toronto Region Immigrant Employment Council</li> </ul>

Source S. V. Wayland, *Unsettled: Legal and Policy Barriers for Newcomers to Canada*, Community Foundations of Canada and the Law Commission of Canada, 2006.

- 6.67 However, Canada still struggles to improve the settlement and employment outcomes of migrants. A recent report on legal and policy barriers to the settlement of migrants in Canada identified difficulties in finding employment as a key issue and noted that some migrants complained that 'they were worse off in Canada than before migrating'.<sup>57</sup>

- 6.68 On skills recognition and licensing, the report noted that:

... foreign-trained professionals seeking to be licensed by regulatory bodies face numerous legal and policy barriers, including the cost of the licensing process; the absence of independent appeal mechanisms for rejected applicants; and a lack of internship ... and other placement opportunities to

56 Citizenship and Immigration Canada website, <http://www.cic.gc.ca/english/newcomer/menu-programs.html> (accessed 7 June 2006).

57 S. V. Wayland, *Unsettled: Legal and Policy Barriers for Newcomers to Canada*, Community Foundations of Canada and the Law Commission of Canada, 2006, p. iv.

gain the Canadian work experience required by some professions prior to licensing.<sup>58</sup>

- 6.69 One initiative from the Canadian experience that merits further consideration in the Australian context is career mentoring. This is addressed in Chapter 7.

## United States of America

- 6.70 At the time of writing, the US Congress was in the process of considering a number of significant changes to its immigration arrangements centred on two bills: the Comprehensive Immigration Reform (CIR) Bill 2006, passed in the Senate in May 2006, and the Border Protection, Antiterrorism, and Illegal Immigration Control (BPAIIC) Bill 2005, passed in the House of Representatives in December 2005.<sup>59</sup>
- 6.71 Both bills cover border security, law enforcement and visa reform and they gained high profile for their proposals for dealing with the estimated 10 million 'illegal aliens' residing in the US, predominantly from Mexico. Among a number of measures, the BPAIIC proposed a much tougher treatment of aliens, with harsher detainment and deportation procedures. In contrast, the CIR proposed to grant a path to legal status, work rights and citizenship.
- 6.72 The CIR also included a number of measures to increase the level of employment related migration, including the temporary worker program. In particular, the bill proposed a lift in the cap on employment based visas from 140,000 to 450,000 and on high skilled temporary worker visas from 65,000 to 115,000.<sup>60</sup>
- 6.73 It is anticipated that the difference between the two bills will be resolved in a conference committee. President George W. Bush spoke in favour of the general proposals of the CIR, particularly the temporary worker measures and the path to citizenship for 'aliens'

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58 Wayland, *Unsettled: Legal and Policy Barriers for Newcomers to Canada*, p. v.

59 S. 2611 *Comprehensive Immigration Reform Act 2006*, <http://thomas.loc.gov/cgi-bin/query/z?c109:S.2611>; and HR 4437 *Border Protection, Antiterrorism, and Illegal Immigration Control Bill*, <http://thomas.loc.gov/cgi-bin/bdquery/z?d109:HR04437:@@L&summ2=m&> (accessed 22 June 2006).

60 S. 2611 *Comprehensive Immigration Reform Act 2006*, 'Title V Backlog Reduction', <http://thomas.loc.gov/cgi-bin/query/z?c109:S.2611> (accessed 21 June 2006).

with 'roots' in the US (following the fulfilment of a number of conditions).<sup>61</sup>

- 6.74 Australian immigration and labour commentators, Bob Birrell and Sue Richardson, have stated that they believe the proposed changes would have a major impact on Australia's skilled migration program, as the US is the dominant player in the global market for skilled migrants.<sup>62</sup>
- 6.75 In the year ending June 2005, 1,122,373 people migrated to the US as legal permanent residents, most of whom were born in Mexico (161,445), followed by India (84,681), China (69,967) and the Philippines (60,748). The most popular type of admission was immediate relatives of US citizens (436,231), followed by employment based admissions, including skilled and unskilled workers and investors (246,878), family sponsored migrants (212,970) and refugees (112,676). The year 2005 saw the highest overall immigration intake since 1991 and the fifth highest recorded in US history.<sup>63</sup>

### Approach to skilled migration

- 6.76 Temporary and permanent employment related visas for entry into the US are employer-driven.
- 6.77 The main permanent employment related visas that may be granted through the United States Citizenship and Immigration Service (USCIS) are outlined in Table 6.2.
- 6.78 Under the 'E' visa class, employers are required to sponsor an immigration petition to USCIS and submit a Labor Certification Application (LCA) to the Department of Labor. The purpose of the LCA is to ensure 'that there are no qualified US workers able, willing ... and available to accept the job at the prevailing wage for that occupation in the area of intended employment and that employment

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61 President Bush, 'President Discusses Comprehensive Immigration Reform', Speech to the United States Chamber of Commerce, Washington DC, <http://www.whitehouse.gov/news/releases/2006/06/print/20060601.html> (accessed 22 June 2006).

62 Cited in J. Chong, 'World feels effects as US takes in more skilled migrants', *The Age*, 17 June 2006.

63 Department of Homeland Security, *Year Book of Immigration Statistics 2005*, <http://www.uscis.gov/graphics/shared/statistics/yearbook/LPR05.htm> (accessed 10 August 2006).

of the alien will not adversely affect the wages and working conditions of similarly employed US workers'.<sup>64</sup>

Table 6.2 Main US permanent employment visas

Code:	Class:	Eligibility
EB1	Priority workers	Those with an outstanding or extraordinary ability in the arts, science, commerce, academia etc.
EB2	Professionals with advanced degrees or persons with exceptional ability	Advanced degree professionals or those with exceptional ability
EB3	Skilled or professional workers	Bachelor degree holders, skilled workers with two years experience, and unskilled workers
EB4	Special immigrants	Religious workers and current and former employees of US government agencies
EB5	Immigrant investors	Those with a minimum level of capital

Source UC Citizenship and Immigration Services website, <http://www.uscis.gov/graphics/services/residency/employment.htm> (accessed 7 August 2006).

6.79 The LCA must also include information on the applicant's skills, experience and qualifications. Supporting documents, which may include credential assessments, are not required, but must be provided if requested in the evaluation process or where an audit is undertaken.<sup>65</sup>

6.80 Evidence of qualifications or an assessment of those qualifications may be attached to a petition. The level of evidence required depends on the sub-category of visa. For example, applications for EB2 visas (professionals with advanced degrees) must provide three of the following:

- An official academic record showing that the alien has a degree, diploma, certificate, or similar award from an institution of learning relating to the area of exceptional ability;
- Letters from current or former employers showing that the alien has at least ten years of full-time experience in the occupation for which he or she is being sought;
- A license to practice the profession or certification for a particular profession or occupation;

64 US Department of Labor Employment and Training Administration website, <http://workforcesecurity.doleta.gov/foreign/perm.asp> (accessed 22 June 2006).

65 US Department of Labor Employment and Training Administration website, <http://workforcesecurity.doleta.gov/foreign/perm.asp> (accessed 22 June 2006).

- Evidence that the alien has commanded a salary, or other remuneration for services, which demonstrates exceptional ability;
  - Evidence of membership in professional associations; or
  - Evidence of recognition for achievements and significant contributions to the industry or field by peers, governmental entities, or professional or business organizations.<sup>66</sup>
- 6.81 Applications for EB3 visas (skilled or professional workers) require the basic labour certification to demonstrate skills and qualifications.
- 6.82 The H-1B visa is designed for highly skilled professionals holding a bachelor's (or equivalent) degree for temporary residence of three years, with the possibility of extension of up to six years. H-1B also offers a path to permanent residency.
- 6.83 In addition to the labour certification, H-1B visa petition must be accompanied by, among other things:
- Evidence showing that the alien has the required degree by submitting either:
    - ⇒ A copy of the person's U.S. baccalaureate or higher degree as required by the specialty occupation;
    - ⇒ A copy of a foreign degree and evidence that it is equivalent to the U.S. degree; or
    - ⇒ Evidence of education and experience that is equivalent to the required U.S. degree.
  - A copy of any required license or other official permission to practice the occupation in the state of intended employment.<sup>67</sup>
- 6.84 The majority of applications for employment visas occur onshore (up to 85 per cent in recent years) and where the primary applicant already has a job offer or is occupying the job, and so employment outcomes for these visa holders are high.<sup>68</sup>
- 6.85 Documentary evidence that an applicant's education and experience are equivalent to US standards, professional membership and licences
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66 US Citizenship and Immigration Services, 'I-140 Immigrant Petition for Alien Worker', <http://www.uscis.gov/graphics/formsfee/forms/files/i-140.pdf> (accessed 22 June 2006).

67 US Citizenship and Immigration Service, 'Instructions for Completing Form I-129', <http://www.uscis.gov/graphics/formsfee/forms/files/i-129instr.pdf> (accessed 22 June 2006).

68 P. Martin, M. Abella, and C. Kuptsch, *Managing Labor Migration in the Twenty-first Century*, Yale University Press, New Haven, 2006, p. 67.

must be obtained from credential evaluation services provided by a range of predominantly state based regulatory authorities and professional associations.

### General skills recognition process

- 6.86 The US government does not have responsibility for the administration of credential evaluation services. While the US Department of Education website does provide some links to credential evaluation services, it also states that it does not endorse any particular service and that, in some instances, it is recommended that common search engines, such as 'yahoo' and 'google', be used to source these services.<sup>69</sup>
- 6.87 The National Council on the Evaluation of Foreign Academic Credentials is responsible for determining standards to assist credential evaluators in assessing the equivalence of foreign qualifications.<sup>70</sup>
- 6.88 For a professional seeking membership of an association and/or a licence to practice, the US Department of Education website provides links to state licensing agencies and professional associations through the government sponsored Council on Licensure, Enforcement and Regulation and the Federal Association of Regulatory Boards.<sup>71</sup>
- 6.89 Skills recognition procedures are particularly complex in the US due to jurisdictional requirements. While most states regulate the same professions, 'there are variations from state to state and usually no reciprocity regarding recognition of qualifications or licenses'.<sup>72</sup>
- 6.90 Skills recognition has historically not been an issue in the US, for a number of reasons. The majority of skilled migrants are onshore, employed and likely to have studied at American institutions. The size of the US economy and the more flexible labour market conditions enable foreign trained workers to pursue a broader range

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69 US Department of Education website, <http://www.ed.gov/about/offices/list/ous/international/usnei/us/edlite-visitus-forrecog.html> (accessed 22 June 2006).

70 US Department of Education website, <http://www.ed.gov/about/offices/list/ous/international/usnei/us/edlite-natcouncil-about.html> (accessed 22 June 2006).

71 US Department of Education website, <http://www.ed.gov/about/offices/list/ous/international/usnei/us/edlite-state-reg.html> (accessed 22 June 2006).

72 US Department of Education website, <http://www.ed.gov/about/offices/list/ous/international/usnei/us/edlite-state-reg.html> (accessed 22 June 2006).

of career paths. Skills recognition has also generally been perceived as a matter for the private sector.<sup>73</sup>

- 6.91 The federal US government does not provide the broad range of settlement services for migrants comparable to that provided in Australia. The US Committee for Refugees and Migrants coordinates resettlement services for refugees by matching refugees with a resettlement organisation.<sup>74</sup> General settlement services are mostly delivered through voluntary organisations (which may also receive federal and/or state funding) and cover community orientation, English language training and employment assistance.
- 6.92 A number of mentoring programs covering settlement and labour market integration are provided by community sector organisations targeting refugees. These include the:
- Ecumenical Refugee Services Mentoring Program;<sup>75</sup>
  - International Rescue Committee;<sup>76</sup>
  - AmeriCorps Vista program;<sup>77</sup>
  - Refugee Mentoring Program, International Institute of Minnesota;<sup>78</sup> and
  - Refugee Mentoring Program, Volunteer Match.<sup>79</sup>
- 6.93 The US permanent and temporary labour migration systems have been heavily criticised for being inflexible and overly complex, and quota allocations in the past have not been met.<sup>80</sup>

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73 Iredale, *Skills Transfer: International Migration and Accreditation Issues*, p. 42.

74 US Committee for Refugees and Migrants website, <http://www.refugees.org/home.aspx> (accessed 23 June 2006).

75 Ecumenical Refugee Services Mentoring Program website, <http://www.ersden.org/mentor.htm> (accessed 6 July 2006).

76 International Rescue Committee website, <http://www.theirc.org/index.cfm> (accessed 6 July 2006).

77 AmeriCorps Vista program website, <http://www.theirc.org/index.cfm/wwwID/605/topicID/67/locationID/0> (accessed 6 July 2006).

78 International Institute of Minnesota Refugee Mentoring Program website, [http://www.iimn.org/index.asp?Type=B\\_BASIC&SEC={135B8689-D0BA-4051-9C16-CC46A2A0CCD6}&DE=](http://www.iimn.org/index.asp?Type=B_BASIC&SEC={135B8689-D0BA-4051-9C16-CC46A2A0CCD6}&DE=) (accessed 6 July 2006).

79 Volunteer Match Refugee Mentoring Program website, [http://www.volunteermatch.org/results/org\\_detail.jsp?orgid=24271](http://www.volunteermatch.org/results/org_detail.jsp?orgid=24271) (accessed 6 July 2006).

80 S. Martin, 'US Employment-Based Admissions: Permanent and Temporary', Policy Brief No. 15, Migration Policy Institute, January 2006, p. 9.



## United Kingdom

- 6.94 The government of the United Kingdom is also in the process of reviewing and streamlining its immigration program. Following a 'top down, bottom up' review of managed migration in April 2004, in February 2005 the government launched a five-year strategy for asylum and immigration, *Controlling Our Borders: Making Migration Work for Britain*.<sup>81</sup>
- 6.95 The strategy covered the visa framework, temporary and permanent settlement, border security and removals. In particular, the strategy included the development of a new points system to bring together and streamline the assessment of work and student entry under four tiers, and establish a new advisory body on skills shortages to promote a more flexible system that is responsive to the labour market. The changes are expected to be implemented in early 2007.
- 6.96 Following the May 2005 United Kingdom election, the government launched a consultation paper, *Selective Admission: Making Migration Work for Britain*, focusing on employment related migration. The aim of the paper was to stimulate feedback on a more detailed proposal for work migration under the strategy, with an additional tier of entry (bringing the proposal to a total of five tiers).<sup>82</sup>
- 6.97 *Selective Admission* describes the current system of employment related migration as overly 'complex and bureaucratic', with about 50 different ways to enter the country as a worker or student.<sup>83</sup>

### Approach to skilled migration

- 6.98 The four broad streams under the UK's current system of labour migration are as follows:
- The Work Permit Scheme: 89,173 issued in 2004 (compared to 30,000 in 1991);
  - The Highly Skilled Migration Programme (HSMP): 24,000 applications in 2004-05;
  - Additional schemes: contributing to the balance of 1,504,000 foreign nationals resident and working in the UK by 2005; and

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81 Secretary of State for the Home Department, *Controlling Our Borders: Making Migration Work for Britain*, Home Office, London, 2005.

82 Home Office, *Selective Admission: Making Migration Work for Britain*, London, pp. 1-3.

83 Home Office, *Selective Admission: Making Migration Work for Britain*, p. 52.

- European Union flows: the source of an estimated 487,000 workers in 2005.<sup>84</sup>
- 6.99 The Work Permit Scheme is the most established labour migration route. Permits are issued for up to five years and may be a path to permanent settlement after four years. Almost all work permit applications are made offshore. The scheme includes business and commercial work permits, the training and work experience scheme, sports and entertainers, student internships and employees of companies based outside the European Union (EU).<sup>85</sup>
- 6.100 The HSMP was introduced in 2002 to target elite professionals through a points based system with a high emphasis on qualifications. Applications under the HSMP must be made offshore. Once accepted, applicants are approved to stay and seek work in the UK for 12 months and may apply for longer residence on the basis of their employment.
- 6.101 Additional labour migration programs include the Seasonal Agricultural Worker's scheme, the Sector Based scheme, the Working Holiday Makers scheme and the International Students scheme.
- 6.102 Citizens of EU member states and other European Economic Area (EEA) nations do not require a special visa to work in the UK, although those from new Central and Eastern European member states need to register.
- 6.103 In 2004 the UK received a record 582,000 migrants, with an estimated net migration of 223,000 people. EU transfers made up the majority of the overall migration intake.<sup>86</sup> Migrants from Australia made up the largest immigrant group, followed by China, France, Germany and India. Labour migration made up about 36 per cent of total migration by category.<sup>87</sup>
- 6.104 As Great Britain has traditionally been a 'zero immigration country,'<sup>88</sup> little effort has been made, until recently, to quantify the employment and other outcomes of its labour migration program.<sup>89</sup>

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84 Birrell et al, *Evaluation of General Skilled Migration Categories*, 2006, p. 137.

85 Home Office, *Selective Admission: Making Migration Work for Britain*, London, p. 53.

86 UK National Statistics website, <http://www.statistics.gov.uk/cci/nugget.asp?id=260> (accessed 26 June 2006).

87 OECD, *International Migration Outlook*, p. 223.

88 C. Joppke, *Immigration and the Nation State: The United States, Germany and Great Britain*, Oxford University Press, Oxford, 1999, p. 100.

- 6.105 People seeking work permits generally require an employer sponsor (depending on the type of permit). The application requires documentary evidence of qualifications and appropriate licences. HSMP applicants do not require employer sponsorship. These applicants either require an MBA from one of 50 leading universities or need to demonstrate outstanding career experience.
- 6.106 Applications under the work permits scheme and HSMP are assessed in two stages. Immigration clearance is assessed at the post offshore. Employment qualifications are assessed in the UK by the Managed Migration Directorate. The new proposals for labour migration in the UK include replacing the two-stage assessment with 'a single interface and application process for all applicants'.<sup>90</sup>
- 6.107 The UK government's proposed restructure of labour and student migration according to five tiers is described in Table 6.3.

Table 6.3 UK's proposed structure of labour and study migration

Tier 1	Highly Skilled	Occupations most in need, no job offer required, similar to HSMP
Tier 2	Skilled	Job offer required, vacancy may be verified through market testing, geared to shortage areas such as teaching and nursing
Tier 3	Low Skilled	Primarily to be made up from EU migrants, replacing earlier schemes for agricultural workers etc.
Tier 4	Students and Specialists	Similar to Australian, Canadian and New Zealand schemes
Tier 5	Other Specific Temporary Schemes	Included in this category are secondment workers, business visitors, youth mobility/cultural exchange and selected development schemes

Source Home Office, *Selective Admission: Making Migration Work for Britain*.

## General skills recognition processes

- 6.108 Overseas trained workers seeking skills recognition in the UK may apply for a qualifications assessment from the UK National Academic Recognition Information Centre (NARIC), funded by the Department of Education and Skills. A standard evaluation service takes up to 15 working days, at a cost of £42.30 (including value added tax).<sup>91</sup>

89 Research, Development and Statistics Directorate, *Migration: An Economic and Social Analysis*, Home Office, London, 2001, p. vii; and Birrell et al, *Evaluation of General Skilled Migration Categories*, p. 280.

90 Home Office, *Selective Admission: Making Migration Work for Britain*, London, p. 3.

91 National Academic Recognition Information Centre website, <http://www.naric.org.uk/default.htm> (accessed 26 June 2006).

6.109 NARIC's main functions are:

- To provide a recognition service and comparability information for international qualifications from 183 countries worldwide with those in the UK
- To promote UK qualifications abroad through the promotion of recognition and acceptance of British awards.<sup>92</sup>

6.110 NARIC also manages the UK National Reference Point for Vocational Qualifications (NRPVQ), which advises on skills recognition and provides assessments on trade and technician level qualifications. NRPVQ also represents the UK on the European network of National Reference Points for vocational qualifications.<sup>93</sup>

6.111 EU and EEA migrants to the UK can also use the Europass scheme to assist in skills recognition and employment. Europass was launched in January 2005 by the European Parliament to form a single transparent framework for qualifications and competencies by setting a European standard for employment and qualifications documents.<sup>94</sup>

6.112 The Europass is made up of five documents: the Europass curriculum vitae and the Language Passport, which are filled in by the individual, and the Certificate Supplement, Diploma Supplement and Mobility document, which are issued to the individual by assessment authorities.

6.113 Educational institutions that award the original documents can issue Certificate and Diploma Supplements on request. These documents provide clear information on the qualification, level and associated competencies, for use in seeking employment in EU member states. The Europass Mobility document sets out the particular skills and competencies acquired by an individual through structured training abroad.<sup>95</sup>

6.114 The UK Department for Education and Skills coordinates and provides links to competent authorities and peak professional bodies

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92 NARIC website, <http://www.naric.org.uk/index.asp?section=6> (accessed 7 August 2006).

93 National Reference Point for Vocational Qualifications website, <http://www.uknvp.org.uk> (accessed 26 June 2006).

94 Europass website, <http://europass.cedefop.europa.eu/europass/preview.action> (accessed 26 June 2006); and UK Europass Centre website, <http://www.uknec.org.uk> (accessed 26 June 2006).

95 The Europass scheme was launched in 2005 and there appears to be limited information available on its use and acceptance.

responsible for licensing and occupational regulation through the 'Europe Open for Professionals' website.<sup>96</sup>

- 6.115 As an EU member, the UK is also a party to the European Union Directive on Mutual Recognition of Qualifications for Regulated Professions. In this role the UK Department for Education and Skills provides targeted guidance for EU citizen migrants seeking to work in the UK, and vice versa.
- 6.116 The department can also provide advice on the need for a Certificate of Experience for EU tradespeople. A Certificate of Experience is a document produced in an EU member state for an individual who has demonstrated work experience and complies with standard criteria set out by the Council of European Commission Ministers. The certificate details the nature of the professional experience of a person in a trade/profession.
- 6.117 Requalification services targeting refugees and overseas qualified health professionals are funded by the National Health Service, the North East London Pathway for Refugee Health Professionals, Refugee Education and Training Advisory Services, Praxis Community Projects and the Thames Gateway International Healthcare Employment Scheme.<sup>97</sup>
- 6.118 The British Medical Association and the Refugee Council operate a refugee doctors database which medically trained refugees may apply to join. Those listed on the database are sent information to assist them in preparing to continue their careers in the UK.<sup>98</sup>
- 6.119 The Medical Journal Club of the London Borough of Brent assists non-UK qualified doctors by organising study meetings in preparation for the medical exam, career counselling, access to the medical library and skills centre, and funding for exams and eventual registration.<sup>99</sup>
- 6.120 General settlement services targeted to those in greatest need, such as refugees and asylum seekers, include the:

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96 UK Department of Education and Skills website, <http://www.dfes.gov.uk/europeopen/index.shtml> (accessed 26 June 2006).

97 Time Together website, [http://www.timetogether.org.uk/facts\\_\\_1\\_9.html](http://www.timetogether.org.uk/facts__1_9.html) (accessed 6 July 2006).

98 For more information on the database see Time Together website, [http://www.timetogether.org.uk/facts\\_\\_1\\_9.html](http://www.timetogether.org.uk/facts__1_9.html) (accessed 6 July 2006).

99 Brent Medical Journal Club website, <http://www.brent.gov.uk/regen2.nsf/24878f4b00d4f0f68025663c006c7944/3b9b39a20e30bde380256eda0054cea8!OpenDocument> (accessed 6 July 2006).

- National Asylum Support Service, which provides accommodation and financial services for refugees;<sup>100</sup>
- Refugee Education and Training Advisory Service, which provides employment advice and training for refugees;<sup>101</sup>
- Praxis Community Projects, which provide settlement assistance to migrants and refugees;<sup>102</sup> and
- Sunrise (Strategic Upgrade of National Refugee Integration Services) program, which assigns caseworkers to spend up to 117 hours with selected refugees to establish and implement 'Personal Integration Plans'.<sup>103</sup>

6.121 A number of mentoring services are also available for migrants in the UK, the most prominent of which is Time Together, established by Timebank in 2002. Timebank works with established refugee and community organisations to provide mentoring schemes to assist the integration of refugees into the community. In 2005 the Home Office increased funding for Time Together to match 2,550 refugees with mentors by 2007.<sup>104</sup>

## **International skills recognition agreements and other arrangements**

6.122 Australia has signed a number of international mutual recognition agreements to facilitate greater mobility of skilled professionals in and out of Australia and to maximise the efficiency of their integration into the labour market.

6.123 There are a number of general governmental mutual recognition agreements. These are complemented by occupation specific agreements driven by non-government professional regulatory bodies.

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100 Refugee Council website, [http://www.refugeecouncil.org.uk/infocentre/entit/sentit001.htm#nass\\_package](http://www.refugeecouncil.org.uk/infocentre/entit/sentit001.htm#nass_package) (accessed 6 July 2006).

101 Education Action, Refugee Education and Training Advisory Service website, [http://www.education-action.org/retas.asp\\_ai=advice.htm](http://www.education-action.org/retas.asp_ai=advice.htm) (accessed 6 July 2006).

102 Praxis Community Project website, <http://www.praxis.org.uk> (accessed 6 July 2006).

103 Home Office Immigration and Nationality Directorate website, <http://www.ind.homeoffice.gov.uk/lawandpolicy/refugeeintegration/sunrise> (accessed 6 July 2006).

104 Time Together website, [http://www.timetogether.org.uk/about\\_us.php](http://www.timetogether.org.uk/about_us.php) (accessed 6 July 2006).

## Inter-governmental mutual recognition arrangements

- 6.124 Inter-governmental mutual recognition arrangements include the Trans-Tasman Mutual Recognition Arrangement, the Asia-Pacific Regional Convention and the Lisbon Recognition Convention.

### Trans-Tasman Mutual Recognition Arrangement

- 6.125 The Trans-Tasman Mutual Recognition Arrangement (TTMRA) is a non-treaty arrangement between the Commonwealth, state and territory governments of Australia and the Government of New Zealand. It was signed in June 1996.

- 6.126 TTMRA originated from the *Mutual Recognition Act* (MRA) 1992 between the Commonwealth, states and territories of Australia and from the Australia New Zealand Closer Economic Relations Trade Agreement (1983).

- 6.127 The arrangement supports the in-principle free trade of goods between New Zealand and Australia and the mobility of people to work in both countries:

The basic principle in respect of Occupations is that a person Registered to practise an Occupation in the Jurisdiction of any Australian Party is entitled to practise an Equivalent occupation in New Zealand, and a person Registered to practise an Occupation in New Zealand is entitled to practise an Equivalent occupation in the jurisdiction of any Australian Party.<sup>105</sup>

- 6.128 The TTMRA covers all registrable occupations, except medicine.<sup>106</sup> However, recognition is not automatic.

- 6.129 In practice, an individual seeking registration under the TTMRA must apply to the relevant registration authority and provide information on the nature of their occupation and current registration and licensing details. Registration bodies have one month to grant, postpone or refuse registration. The applicant may be granted

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105 Agreement between Australian Governments and the New Zealand Government relating to Trans-Tasman Mutual Recognition, [http://www.dfat.gov.au/geo/new\\_zealand/ttmra.pdf](http://www.dfat.gov.au/geo/new_zealand/ttmra.pdf) (accessed 19 June 2006).

106 DEWR, *Submission No. 63*, p. 8.

deemed registration, valid until the decision from the registration authority is finalised.<sup>107</sup>

6.130 The Committee heard that Queensland had issues with regard to the recognition of certain trades under the TTMRA:

We would love to see the Trans-Tasman Mutual Recognition Agreement operate at the trade level. I am quite amazed that our ITABs [Industry Training Advisory Bodies] ... have not done more work with the ITOs, the equivalent in New Zealand. Although I did see on the New Zealand Qualifications Authority website that there is some work being done in mapping the Australian Qualifications Framework and Australian training packages with New Zealand or using a combination, but at the moment I think there is only one particular electrical licence that operates under a TTMRA in the trades.<sup>108</sup>

6.131 A review of the MRA and the TTMRA by the Productivity Commission in 2003 concluded that 'mutual recognition has contributed significantly to increased labour mobility across MRA and TTMRA jurisdictions'.<sup>109</sup>

6.132 In relation to the mobility of registered professionals, the Productivity Commission found that the operation of the TTMRA could be maximised by:

- Enhancing the information exchange systems and procedures among registration boards (for example, in relation to incomplete disciplinary actions) by greater use of electronic database registration systems with capacity for access by counter-part registration boards;
- Improving the capacity of registration systems to accommodate short notice applications for registration to allow short term service provision across jurisdictions;
- Encouraging Australian occupational registration authorities to develop national registration systems where the benefits justify the costs; and
- Encouraging jurisdictions to continue to work on reducing differences in registration requirements to address

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107 COAG Committee on Regulatory Reform, *A User's Guide to the Trans-Tasman Mutual Recognition Arrangement (TTMRA)*, CRR, 1998, pp. 13-20.

108 Ms Rogers, Department of Employment and Training, Queensland, *Transcript of Evidence*, 9 March 2006, p. 58.

109 Productivity Commission, *Evaluation of Mutual Recognition Schemes*, p. xxvii.



concerns that the entry of professionals through the 'easiest jurisdiction' might lower overall competencies.<sup>110</sup>

- 6.133 The Productivity Commission also suggested that Australian and New Zealand Medical Councils work towards harmonising competency standards for medical practitioners to remove their exemption from the TTMRA by the time of the next review, scheduled for 2008.<sup>111</sup>

### Asia-Pacific Regional Convention

- 6.134 The Regional Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in Asia and the Pacific (the Regional Convention), was adopted in December 1983, and signed and ratified by Australia in 1985.
- 6.135 This convention focuses on the recognition of qualifications for access to further education. Its purposes include:
- Making their higher educational institutions as widely accessible as possible to students or researchers from any of the Contracting States;
  - Recognizing the studies, certificates, diplomas and degrees of such persons; and
  - Establishing and improving the system for the exchange of information regarding the recognition of studies, certificates, diplomas and degrees.<sup>112</sup>
- 6.136 Between November 2000 and March 2003, Australia was the Chair of the Regional Committee established under the convention. During this time, Australia worked with the United Nations Educational, Scientific and Cultural Organisation (UNESCO) Asia and Pacific Regional Bureau for Education to develop the Asia Pacific Academic Recognition Network (APARNET).
- 6.137 APARNET operates a website 'to provide an on-line place for exchange and dissemination of information on issues relating to higher education systems, assessing authorities and the recognition of educational qualifications within the region', accessible to registered members of signatory states.<sup>113</sup>

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110 Productivity Commission, *Evaluation of Mutual Recognition Schemes*, p. xviii.

111 Productivity Commission, *Evaluation of Mutual Recognition Schemes*, p. xxxii.

112 DEST, *Submission No. 91*, p. 12.

113 Asia Pacific Academic Recognition Network website, <http://www.aparnet.org/about.htm> (accessed 30 June 2006).

## Lisbon Recognition Convention

- 6.138 The Convention on the Recognition of Qualifications Concerning Higher Education in the European Region (the Lisbon Recognition Convention) was developed by the Council of Europe and UNESCO and signed by the original partners at Lisbon on 11 April 1997. The convention was signed by Australia in September 2000 and ratified in November 2002 to come into force in January 2003.<sup>114</sup>
- 6.139 The convention focuses on the recognition of qualifications for access to further education and requires, among other things, that:
- Holders of qualifications issued in one country shall have adequate access to an assessment of these qualifications in another country;
  - No discrimination shall be made in this respect on any ground such as the applicant's gender, race, colour, disability, language, religion, political opinion, national, ethnic or social origin; and
  - The responsibility to demonstrate that an application does not fulfil the relevant requirements lies with the body undertaking the assessment.<sup>115</sup>
- 6.140 Article IX.3 of the convention requires that signatories promote the use of a Diploma Supplement to support transparent assessments of qualifications and thereby the international mobility of students and professionals.<sup>116</sup> The supplement is a short document attached to a higher education qualification providing 'a description of the nature, level, context, content and status of the studies that were pursued and successfully completed by the individual named on the original qualification'.<sup>117</sup>
- 6.141 The Department of Education, Science and Training (DEST) have launched a number of pilot projects to determine the feasibility of implementing the Diploma Supplements. Early indications of the

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114 Council of Europe website, <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=165&CM=8&DF=20/05/05&CL=ENG> (accessed 27 June 2006).

115 DEST, *Submission No. 91*, p. 12.

116 The Convention on the Recognition of Qualifications Concerning Higher Education in the European Region, [http://www.aei.gov.au/AEI/GovernmentActivities/BolognaProcess/Lisbon\\_pdf](http://www.aei.gov.au/AEI/GovernmentActivities/BolognaProcess/Lisbon_pdf) (accessed 30 June 2006).

117 DEST, *The Bologna Process: Next Steps*, 2006, p. 8.

trials are that implementing the scheme would involve 'substantial workload and technical enhancement costs'.<sup>118</sup>

- 6.142 The future of the Diploma Supplement will be determined following consultation on the Bologna process (discussed below).

### ASEAN-Australia Development Cooperation Program

- 6.143 In 1998, the Association of Southeast Asian Nations (ASEAN) agreed to the Hanoi Plan of Action, which in part dealt with particular measures 'to establish networks of professional accreditation bodies to promote regional mobility and mutual recognition of technical and professional credentials and skill standards'. This led to the Enhancing Skills Recognition Systems Project, currently in progress and funded by AusAid and ASEAN through the ASEAN-Australia Development Cooperation Program.<sup>119</sup>
- 6.144 The Enhancing Skills Recognition Systems Project will, among other things, report on skills recognition arrangements in ASEAN countries and the role of industry bodies and recognition agencies, and analyse the findings to identify any lessons that can be learned. The overarching goal is to promote greater integration and movement of skilled labour across the ASEAN region.<sup>120</sup>
- 6.145 The project's implementing partner is the Australian Expert Group for Industry Studies from the University of Western Sydney. The project is funded to 2006–07.

### APEC Architect

- 6.146 The Asia Pacific Economic Cooperation (APEC) Architect project was adopted at the APEC Human Resources Development Working Group meeting in 2000, following an Australian Government proposal, with the support of 15 participating economies.

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118 Australian Vice-Chancellor's Committee, *Response to Discussion Paper: The Bologna Process Next Steps*, AVCC, Canberra, 2006, p. 9, <http://www.avcc.edu.au/documents/publications/policy/submissions/AVCC-response-to-Bologna-Process.pdf> (accessed 30 June 2006).

119 AusAid, ASEAN-Australia Development Cooperation Program website, <http://www.aadcp.org/ps/projectdetails.html> (accessed 28 June 2006).

120 AusAid, ASEAN-Australia Development Cooperation Program website, <http://www.aadcp.org/ps/projectdetails.html> (accessed 28 June 2006).

- 6.147 APEC Architect sets a common basis for the recognition of professional competence to assist qualified architects, on the APEC Architect Register, to practise in other participating APEC economies.
- 6.148 The criteria for gaining recognition as a registered 'APEC Architect' consists of:
- An accreditation or recognition procedure for education programs in architecture;
  - A minimum period of post-graduate practical experience, with specified requisites;
  - Fulfillment of registration, licensing or other requirements for full professional recognition;
  - A minimum period of professional practice as a registered or licensed architect, with specified requisites.<sup>121</sup>
- 6.149 A member economy may recognise architects on the register without further examination or require that an architect meet special requirements to practise in their jurisdiction. Where special requirements are necessary, member economies are obliged under the agreement to make those requirements fully transparent.<sup>122</sup>
- 6.150 Australia provided secretariat support to the project until 2004, after which this function was administered by Chinese Taipei.<sup>123</sup>

## Mutual recognition in trade agreements

- 6.151 Mutual recognition measures are also contained in bilateral and multilateral trade agreements such as the free trade agreements that Australia has signed and the General Agreement on Trade in Services administered by the World Trade Organisation.

## Free trade agreements

- 6.152 Australia pursued mutual recognition arrangements in bilateral negotiations on free trade agreements with the United States, Singapore and Thailand. The Department of Foreign Affairs and Trade (DFAT) considers this 'as an important means of facilitating

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121 APEC Architect Central Council, *APEC Architect Operations Manual*, APEC Human Resources Development Working Group, 2005, p. 6.

122 APEC Architect Central Council website, <http://www.apecarchitect.org/framework.php> (accessed 4 July 2006).

123 DEST website, [http://www.dest.gov.au/sectors/international\\_education/organisations\\_contacts/apec\\_human\\_resources\\_development\\_working\\_group/apec\\_architect.htm](http://www.dest.gov.au/sectors/international_education/organisations_contacts/apec_human_resources_development_working_group/apec_architect.htm) (accessed 28 June 2006).

trade and services through overcoming regulatory barriers such as licensing, educational recognition, qualifications and so on'.<sup>124</sup>

6.153 Australia's free trade agreements with Singapore (which came into effect on 28 July 2003) and Thailand (1 January 2005) contain clauses on skills recognition:

- A Party may recognise the education or experience obtained, requirements met, or licences or certifications granted in the other Party.
- The Parties shall encourage their relevant competent bodies to enter into negotiations on recognition of qualification requirements, qualification procedures, licensing or registration procedures with a view to the achievement of early outcomes.<sup>125</sup>

6.154 DFAT has supported a mutual recognition arrangement between CPA Australia and their counterparts in Singapore under the Singapore-Australia Free Trade Agreement. Further discussions are continuing in the fields of pharmacy and dentistry. Arrangements have also been put in place to recognise certain law degrees. However, lawyers from Singapore still face registration requirements from relevant state and territory authorities in Australia.<sup>126</sup>

6.155 Annex 10-A of the Australia-United States Free Trade Agreement (AUSFTA) on 'Development of Professional Services' goes further, to require that:

The Parties shall encourage the relevant bodies in their respective territories to develop mutually acceptable standards and criteria for licensing and certification of professional services suppliers and to provide recommendations on mutual recognition to the Joint Committee ... with regard to the following matters:

- Education – accreditation of schools or academic programs;
- Examinations – qualifying examinations for licensing, including alternative methods of assessment, such as oral examinations and interviews;
- Experience – length and nature of experience required for licensing;

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124 Ms Witbreuk, DFAT, *Transcript of Evidence*, 5 September 2005, p. 21.

125 Singapore-Australia Free Trade Agreement, Article 23, 'Recognition'. A similar clause appears in the Thailand-Australia Free Trade Agreement, Article 806 'Recognition', <http://www.fta.gov.au> (accessed 28 June 2006).

126 Mr Lade, DFAT, *Transcript of Evidence*, 5 September 2005, p. 23.

- Conduct and ethics – standards of professional conduct and the nature of disciplinary action for non-conformity with those standards;
- Professional development and re-certification – continuing education and ongoing requirements to maintain professional certification;
- Scope of practice – extent of, or limitations on, permissible activities;
- Local knowledge – requirements for knowledge of such matters as local laws, regulations, geography, or climate; and
- Consumer protection – alternatives to residency requirements, including bonding, professional liability insurance, and client restitution funds, to provide for the protection of consumers.

[and] ... Where the Parties agree, each Party shall encourage the relevant bodies in its territory to develop procedures for the temporary licensing of professional services suppliers of the other Party.<sup>127</sup>

- 6.156 The working group established to consider the recognition of qualifications under AUSFTA Annex 10-A held its first meeting in June 2005. The outcome of this meeting is not currently available. The working group is required to report, in 2007, to the joint committee which supervises the implementation of the agreement.<sup>128</sup>
- 6.157 The Australia New Zealand Closer Economic Relations Trade Agreement is supplemented by the Trans-Tasman Mutual Recognition Arrangement (as discussed above).
- 6.158 The Committee notes that Australia is currently negotiating or considering free trade agreements with ASEAN and New Zealand; China; Malaysia; Japan; and the Gulf Cooperation Council. The Committee supports the inclusion of further skills recognition measures in these possible agreements.

## General Agreement on Trade in Services

- 6.159 The General Agreement on Trade in Services (GATS) is an international treaty establishing a framework of basic rules for trade
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127 Australia–United States Free Trade Agreement, Annex 10-A, paragraphs 1-2, 4, [http://www.dfat.gov.au/trade/negotiations/us\\_fta/final-text/chapter\\_10.html](http://www.dfat.gov.au/trade/negotiations/us_fta/final-text/chapter_10.html) (accessed 28 June 2006).

128 DFAT, *Government Response to the Final Report of the Senate Select Committee on the Free Trade Agreement between Australia and the United States of America*, June 2006, p. 18.

in services between World Trade Organisation (WTO) member states. GATS came into force in 1995 following the Uruguay Round negotiations. The agreement outlines a number of general obligations that apply to all WTO members and specific obligations that are particular to individual WTO members.

6.160 GATS covers four modes of services. Mode 4, 'Movement of Natural Persons', covers the travel of individuals to another country for the purpose of supplying a service.

6.161 Article VI.4 of the general agreement seeks to ensure that skills recognition processes are not prohibitively burdensome:

With a view to ensuring that measures relating to qualification requirements and procedures, technical standards and licensing requirements do not constitute unnecessary barriers to trade in services, the Council for Trade in Services shall, through appropriate bodies it may establish, develop any necessary disciplines. Such disciplines shall aim to ensure that such requirements are, *inter alia*:

(a) based on objective and transparent criteria, such as competence and the ability to supply the service;

(b) not more burdensome than necessary to ensure the quality of the service;

(c) in the case of licensing procedures, not in themselves a restriction on the supply of the service.<sup>129</sup>

6.162 Australia is currently in the process of determining its second round revised offer on its specific commitments in response to bilateral market requests.<sup>130</sup>

6.163 Australia's specific commitments in its first revised offer (May 2005) included the liberalisation of temporary skilled migration by removing the previous requirement of labour market testing, in preference to sponsorship arrangements and reference to the occupations list. This reflects Australia's need to more flexibly meet

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129 World Trade Organisation website, [http://www.wto.org/english/docs\\_e/legal\\_e/26-gats\\_01\\_e.htm](http://www.wto.org/english/docs_e/legal_e/26-gats_01_e.htm) (accessed 3 July 2006).

130 In accordance with the Hong Kong Ministerial Declaration, the second round of revised offers is due by 31 July 2006. DFAT website, [http://www.dfat.gov.au/trade/negotiations/services/wto\\_services\\_negotiations\\_0306.html](http://www.dfat.gov.au/trade/negotiations/services/wto_services_negotiations_0306.html) (accessed 3 July 2006).

labour market demands, as well as meeting the needs of developing countries.<sup>131</sup>

## Other governmental mutual recognition arrangements

6.164 The Bologna process and EU directives on mutual recognition are activities that Australia is not a party to but should monitor, as they are likely to impact in some way on the recognition of overseas qualifications, particularly from Europe, and the ability for Australians to have their qualifications recognised overseas.

## Bologna process and other higher education initiatives

6.165 In 1999 a meeting of 29 European Ministers of Education issued the 'Bologna declaration' to establish a European Higher Education Area (EHEA) by 2010. The EHEA would create a common higher education framework among the signatory states by:

- Implementing a system of easily readable and comparable degrees;
- Standardising degree structures (Bachelor/Masters/Doctorates);
- Implementing a system of credits;
- Promoting greater mobility by overcoming obstacles;
- Promoting European cooperation in quality assurance; and
- Promoting European dimensions in higher education (closer international cooperation and networks).<sup>132</sup>

6.166 DEST anticipates that the Bologna process will have a 'profound effect' on higher education at a global level.<sup>133</sup> There are now 45 countries across Europe committed to the process, and a number of Latin American and Asian countries, including China, have also shown interest.

6.167 The Bologna process will also have ramifications for skills recognition in Australia. One potential benefit of Australia aligning with the Bologna initiative is the facilitation of greater interaction and qualification recognition among member states.

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131 DFAT website, [http://www/dfat.gov.au/trade/negotiations/services/gats\\_revised\\_offer\\_explnotes.html](http://www/dfat.gov.au/trade/negotiations/services/gats_revised_offer_explnotes.html) (accessed 3 July 2006).

132 DEST, *The Bologna Process and Australia: Next Steps*, p. 4.

133 DEST, *The Bologna Process and Australia: Next Steps*, p. 3.



- 6.168 The Committee notes that DEST is currently undertaking consultation on Australia's response to the Bologna process, and considers higher education reform towards 'Bologna compatibility' would generally be a positive development for skills recognition in Australia. However, the Committee also notes that a number of issues will need to be resolved to align Australia with the Bologna measures, including the feasibility of the Diploma Supplement and the differing professional accreditation requirements.
- 6.169 Australia participates in or has observer status on other multi- and bilateral fora that examine international higher education issues such as the comparability and recognition of qualifications. The multilateral fora include the:
- APEC Human Resources Development Working Group's Education sub-group;
  - UNESCO-OECD Forum on Trade in Education Services, which Australia hosted in 2004; and
  - South East Asian Ministers of Education Organisation.<sup>134</sup>
- 6.170 While the Committee considers that these international higher education initiatives may potentially bring about positive outcomes for skills recognition, it notes a lack of similar effort in vocational education.
- 6.171 Australian Education International also supports skills recognition through its Professional Services Development Program. The program 'supports the promotion of Australian education and training internationally through advancing the recognition of Australian qualifications overseas and the recognition of overseas professional qualifications in Australia'. Australian education providers and professional bodies may tender for advertised projects under this program with proposals 'that promote best practice procedures for recognition of professional skills and qualifications in Australia'.<sup>135</sup>

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134 DEST, *Higher Education Report 2004-05*, 2005, p. 110.

135 Australian Education International website, <http://aei.dest.gov.au/aei/governmentactivities/professionalservicesdevelopmentprogram/default.htm> (accessed 30 June 2006).

## European Union Directives for Mutual Recognition of Qualification for Regulated Professions

- 6.172 The mobility of labour within Europe and the regulation of professions prompted the European authorities to consider skill and qualification recognition and licensing issues.
- 6.173 The European Commission sought to harmonise education and professional qualification standards and has issued sectoral directives on the recognition of certain professions since the 1960s, initially covering medical professions. Such sectoral directives proved difficult to expand and by the 1980s general system directives were being negotiated.<sup>136</sup>
- 6.174 In 1989 the Directive on the Recognition of Professional Qualifications (89/48/EEC) was adopted by the Council of European Commission Ministers. This directive covered professions that required a university degree or equivalent. This was followed by another general directive covering regulated professions requiring qualifications below a degree level (92/51/EEC). These general directives were supplemented by the Certificate of Experience (directive 99/42/EEC) promoting the recognition of trades experience and qualifications.<sup>137</sup>
- 6.175 The general directives are based on the principle that an individual qualified and licensed to practise in a regulated profession in an EU member state should be able to practise the same profession in another member state without the need to requalify. In cases where there is a substantial difference in the requirements of an occupation between states, some compensation measures may be required.<sup>138</sup>

## International engineering agreements

- 6.176 Australian and international engineering organisations have been particularly active in developing systems for the mutual recognition of members of prescribed professional bodies. Engineers Australia is a signatory to the Washington Accord, the Sydney Accord and international registers such as the APEC Engineer Register, the

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136 Iredale, *Skills Transfer: International Migration and Accreditation Issues*, pp. 24-27.

137 Europe Open for Professionals, Directives website, [http://www.dfes.gov.uk/europeopen/page\\_5.shtml](http://www.dfes.gov.uk/europeopen/page_5.shtml) (accessed 27 June 2006).

138 DEST, *Submission No. 91*, p. 11; and Europe Open for Professionals, Directives website, [http://www.dfes.gov.uk/europeopen/page\\_5.shtml](http://www.dfes.gov.uk/europeopen/page_5.shtml) (accessed 27 June 2006).

Engineer Mobility Forum and the Engineering Technologist Mobility Forum.<sup>139</sup>

## Washington and Sydney Accords

- 6.177 The Washington Accord is a multinational agreement that was signed by peak engineering bodies in each member state in 1989 for the 'recognition of equivalency of accredited engineering education programs leading to the engineering degree'.<sup>140</sup>
- 6.178 The accord is limited to the recognition of undergraduate degrees and excludes postgraduate and specialist degrees. It also does not cover specific licensing requirements of signatory countries such as minimum amount of experience.
- 6.179 The nine member countries of the Washington Accord are Hong Kong, the UK, the US, Australia, New Zealand, South Africa, Ireland, Japan and Canada. Singapore, Chinese Taiwan, Malaysia and Korea are, at the time of writing, seeking full-time membership.<sup>141</sup>
- 6.180 The Sydney Accord was signed in June 2001 to establish a system to recognise Engineering Technologist/Incorporated Engineer courses of study. Signatories to the accord are Australia, Hong Kong, China, Ireland, South Africa and the United Kingdom.<sup>142</sup> The accord is in its early stages of implementation.

## APEC Engineer

- 6.181 APEC Engineer – 'Towards Mutual Recognition of Qualifications' – was adopted at the 13th APEC Human Resources Development Working Group Meeting in Wellington in 1996.
- 6.182 APEC Engineer set a framework to streamline recognition procedures to enable qualified engineers to access work opportunities in the APEC region. The agreed process was to:
- Map existing arrangements for accreditation, recognition and development of professional engineering qualifications,

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139 Engineers Australia website, [http://www.engineersaustralia.org.au/member-services/members-overseas/international-activities/international-activities\\_home.cfm](http://www.engineersaustralia.org.au/member-services/members-overseas/international-activities/international-activities_home.cfm) (accessed 4 July 2006).

140 Washington Accord website, <http://www.washingtonaccord.org> (accessed 27 June 2006).

141 Mr Taylor, Engineers Australia, *Transcript of Evidence*, 27 February 2006, p. 20.

142 Engineers Australia, *Submission No. 76*, pp. 10-11.

- Use this information to identify best practices in accreditation, recognition and development of professional engineering qualifications, and
  - Develop and deliver a best practices workshop.<sup>143</sup>
- 6.183 Of the 21 APEC economies, 15 participated in some or all of the stages of the project, with 11 signatory organisations from Australia, the US, New Zealand, Hong Kong, Malaysia, Canada, Indonesia, Japan, Korea, Thailand and the Philippines.
- 6.184 The APEC Engineer Coordinating Committee defines a recognised engineer as one who is recognised by an authorised body within an APEC economy in accordance with the committee's criteria and procedures to ensure they have:
- Completed an accredited or recognised engineering program, or assessed recognised equivalent; and
  - Been assessed within their own economy as eligible for independent practice; and
  - Gained a minimum of seven years practical experience since graduation; and
  - Spent at least two years in responsible charge of significant engineering work; and
  - Maintained their continuing professional development at a satisfactory level.<sup>144</sup>
- 6.185 The project was overseen by a steering committee, chaired by Australia, which included government officials from participating member economies and a task group of engineering experts.

### Engineering Mobility Forum

- 6.186 The Engineer Mobility Forum (EMF) was developed from a 1996 initiative of the Washington Accord signatories to facilitate the mobility of experienced professional engineers by establishing a framework for national regulatory bodies of member states to 'recognise the substantial equivalence in professional competence and

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143 DEST website, [http://www.dest.gov.au/sectors/international\\_education/organisations\\_contacts/apec\\_human\\_resources\\_development\\_working\\_group/apec\\_engineer.htm](http://www.dest.gov.au/sectors/international_education/organisations_contacts/apec_human_resources_development_working_group/apec_engineer.htm) (accessed 27 June 2006).

144 APEC Engineer Coordinating Committee, *The APEC Engineer Manual The Identification of Substantial Equivalence*, APEC Human Resources Development Working Group, 2003, p. 7.

standing' of engineers.<sup>145</sup> The constitution for the forum was formally adopted in 2003.

6.187 The key part of the framework was to develop an international register of professional engineers. Forum members are also obliged to:

- develop and promote mutually acceptable standards;
- examine existing barriers to mobility and develop strategies to address them;
- encourage licensing authorities to adopt mutual mobility procedures; and
- promote best practice for the preparation and assessment of engineers.<sup>146</sup>

6.188 Similarly, the Engineering Technologist Mobility Forum (ETMF) originated from the Sydney Accord signatories seeking greater international mobility and recognition for experienced engineering technologists. The constitution for the ETMF, adopted in June 2005, sets the framework for establishing an international register of engineering technologists and further cooperation between members.<sup>147</sup>

## Other non-government accords

6.189 A number of professional occupation regulatory bodies gazetted by AEI-NOOSR in Australia recognise or license members of affiliated bodies overseas and streamline the recognition of members of those overseas bodies with minimal or no re-qualification requirements. Some regulatory bodies are multinational by nature.

6.190 The membership of the Australasian Veterinary Boards Council comprises the Australian veterinary boards; the Veterinary Council of New Zealand; and the Australian Veterinary Association and the New Zealand Veterinary Association, which are non-financial members.<sup>148</sup>

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145 Engineers Mobility Forum, *International Register of Professional Engineers Constitution*, EMF, 2003, p. 5.

146 Engineers Mobility Forum, *International Register of Professional Engineers Constitution*, pp. 5-6.

147 Engineering Technologists Mobility Forum, *International Register of Engineering Technologists Constitution*, ETMF, 2005.

148 Dr Strous, Australasian Veterinary Boards Council, *Transcript of Evidence*, 24 November 2005, p. 86.

- 6.191 The Australian Dental Council recognises dental qualifications from England, Ireland and New Zealand.<sup>149</sup>
- 6.192 The Electricity Regulators Association of Australia recognises licensed New Zealand electrical workers and they may be granted a state electrical licence in Australia.<sup>150</sup>
- 6.193 The Accreditation Board of the Australia New Zealand Society of Nuclear Medicine regulates overseas qualifications assessment for those in the field of nuclear medicine in Australia and New Zealand.<sup>151</sup>
- 6.194 The Overseas Qualifications Assessment Panel of the Australian Institute of Radiography recognises certain courses from UK, Ireland, New Zealand and Hong Kong. Applicants from these countries can be fast tracked.<sup>152</sup>
- 6.195 The Architects Accreditation Council of Australia have a reciprocity of registration agreement with the New Zealand Architects Education and Registration Board and, at the time of writing, are in discussion with the similar authorities in the United States and Singapore.<sup>153</sup>
- 6.196 The Council on Chiropractic Education Australasia consists of the Australian and New Zealand Chiropractic Registration Boards, professional chiropractic associations, chiropractic educational institutions and specialist laypersons and undertakes skills assessment for migration to and practise in Australia.<sup>154</sup>
- 6.197 State and territory based regulatory authorities have also undertaken mutual recognition arrangements. For example, the Queensland Building Services Authority recognises the apprenticeship equivalents as outlined in Table 6.4.

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149 Australian Dental Council, *Submission No. 29*, p. 2.

150 Mr Tighe, Communications, Electrical and Plumbing Union, *Transcript of Evidence*, 23 November 2006, p. 88.

151 Australia New Zealand Society of Nuclear Medicine, *Submission No. 106*, p. 1.

152 Australian Institute of Radiography, *Submission No. 8*, p. 2.

153 Architects Accreditation Council of Australia, *Submission No. 36*, p. 5.

154 Council on Chiropractic Education Australasia, *Submission No. 51*, p. 1.

Table 6.4 Queensland Building Services Authority: recognised apprenticeship equivalents

Overseas Qualification	BSA Equivalent Licence
Flat glass (New Zealand)	Glass, Glazing and Aluminium
Carpentry and Joinery (New Zealand)	1. Carpentry 2. Joinery
Joinery (New Zealand)	Joinery
Painting and Decorating (UK)	Painting and Decorating
Painting and Decorating (New Zealand)	Painting and Decorating
Carpentry (New Zealand)	Carpentry

Source Queensland Government, *Submission No. 83*, p. 22.

## International comparison of migrant employment outcomes

- 6.198 According to the OECD, migrant labour market outcomes vary according to the country of origin, the migration category through which migrants enter and the economic cycle of the economy.<sup>155</sup>
- 6.199 The process through which migrants are selected is crucial. The more efficiently the skills of migrants are recognised, the more quickly they can contribute to their family and the economy, and productivity losses are minimised.
- 6.200 Also crucial are specialised introduction programs at the time of entry, and for a few years after, covering language, cultural orientation and vocational training and work experience, if required. Thereafter, mainstream labour market programs have an increasingly important role to play.
- 6.201 Table 6.5 provides a comparison of unemployment rates by OECD country and male and female outcomes. While taking into account the differing immigration programs and labour market environments between Australia and the other OECD countries, the table shows Australia has produced strong migrant employment outcomes. Other OECD data shows that second-generation migrants to Australia have employment outcomes much closer to the national average, which is exceptional at an international level.

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155 OECD, *Employment Outlook*, Paris, 2006, pp. 142-147.

Table 6.5 OECD unemployment rates of native- and foreign-born populations

	Native-born	Foreign-born	Ratio <sup>b</sup>
<i>Men</i>			
Australia <sup>a</sup>	6	6.5	1.1
Austria	4.3	11.2	2.6
Belgium	5.6	15	2.7
Canada <sup>a</sup>	5.5	6.6	1.2
Denmark	4.4	14.4	3.3
France	8	13.6	1.7
Germany	10.3	18.3	1.8
Greece	6.5	6.7	1
Ireland	4.9	6.5	1.3
Italy	6.4	6.1	1
Netherlands	3.6	10.3	2.9
Portugal	5.7	9.9	1.7
Spain	7.8	11.4	1.5
Sweden	6.2	13.9	2.3
United Kingdom	4.7	7.3	1.5
United States	6.9	5.8	0.8
<i>Women</i>			
Australia <sup>a</sup>	6.1	6.5	1.1
Austria	4.3	10.7	2.5
Belgium	7.5	15	2
Canada <sup>a</sup>	4.9	6.8	1.4
Denmark	5.2	10.3	2
France	9.9	17.2	1.7
Germany	9.6	15.2	1.6
Greece	15.7	18.9	1.2
Ireland	3.6	5	1.4
Italy	10.1	13.1	1.3
Netherlands	4.3	10.6	2.5
Portugal	7.4	9.6	1.3
Spain	15.1	17.1	1.1
Sweden	5.2	12.2	2.3
United Kingdom	3.9	7.3	1.9
United States	5.5	6.8	1.2

a) Data refer to 2003 for Australia and to 2002 for Canada.

b) Ratio of foreign-born to native-born unemployment rates.

Source OECD *Employment Outlook 2006*, p. 144.



## Conclusion

- 6.202 The case study countries examined in this chapter face similar skill shortages in key sectors of the economy and longer-term demographic changes (particularly an ageing population in some countries).
- 6.203 The case studies demonstrate that these countries, which are in competition with Australia for skilled migration, are continuing to review and develop their immigration and settlement programs with a view to increasing their overall intake, attracting the most skilled of migrants and more efficiently integrating all migrants into the labour market.
- 6.204 Processes for skills recognition need to be continually reviewed to ensure that they meet world's best practice and are responsive to changing labour market requirements.
- 6.205 Also, over the past 15 years, great progress has been made in establishing government and non-government mutual recognition arrangements generally with other countries and, in specific professions, between accredited national professional bodies.
- 6.206 However, there is limited information available on the specific impact of these agreements. The agreements also appear to lack coordination in Australia, with some falling under the responsibility of DEST and some under DFAT, while others come under the responsibility of the professional regulatory authorities.
- 6.207 While Australia has done well to participate in a number of international mutual recognition accords, the Committee acknowledges that the real challenge will be to implement them to make a real difference to the transferability of skills in Australia. It appears that greater accountability through regular reporting is required to ensure that maximum value is extracted from these accords.

**Recommendation 43**

- 6.208 The Committee recommends that the Australian Government continues to encourage and assist professional regulatory authorities to expand their use of bilateral and multilateral international mutual recognition arrangements, while ensuring that Australian standards are not compromised. In particular, the Committee recommends improved policy oversight to facilitate this initiative.

**Recommendation 44**

- 6.209 The Committee recommends that the Department of Foreign Affairs and Trade coordinate, on behalf of the Australian Government, an annual report to be tabled in parliament on international skills recognition and licensing arrangements. The report should cover the progress in establishing, implementing and monitoring inter-governmental mutual recognition arrangements, including the Trans-Tasman Mutual Recognition Arrangements, the Asia-Pacific Recognition Convention, the Lisbon Recognition Convention, the recognition measures in the free trade agreements and the General Agreement on Trade in Services.

## Other issues in overseas skills recognition

### Introduction

- 7.1 This chapter covers other issues relating to skills recognition and licensing that impact on the mobility and employment of overseas trained workers in Australia. These issues include English language proficiency, acceptance of recognised overseas qualifications by Australian employers, work experience, early identification of skills and bridging courses. The chapter also considers the particular difficulties facing humanitarian entrants. Chapter 7 concludes with a discussion on document and identity fraud issues.

### English language skills

- 7.2 As Australian research has reinforced, 'English language proficiency stands out as a key factor determining the ease of settlement and labour market success of immigrants'.<sup>1</sup> This point was also supported

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1 Productivity Commission, *Economic Impacts of Migration and Population Growth*, p. xxii. See also Birrell et al, *Evaluation of the General Skilled Migration Categories*. On the importance of English language proficiency to successful migration employment, as indicated in LSIA data, see Richardson, *Changing Labour Force Experience of New Migrants*, pp. 59-71.

in evidence to the inquiry. For example, Certified Practising Accountants (CPA) Australia commented that:

The level of English language skills of candidates seems to be the greatest barrier to the skilled migration process. Our experience of skilled migration applicants tells us that important processes are often not met due to misunderstanding and misinterpretation of information. The required minimum English language level for skilled migration may need to be increased so as to assist migrants accessing employment in the longer-term.<sup>2</sup>

7.3 Under the General Skilled Migration (GSM) program, English language skills form an essential part of the recognition process. The Australian Skilled Recognition Information (ASRI) website states:

You must have sufficient English language ability to be able to work in Australia. This is known as 'vocational' English. Generally, you will be required to sit the International English Language Testing System test to evidence your English language ability.

A higher level of English may be required for certain occupations. You can find out if your occupation requires a higher level of English by contacting the assessing authority for your nominated occupation.<sup>3</sup>

7.4 Additional points under the GSM program points test are awarded if the applicant demonstrates higher than 'vocational' English.<sup>4</sup> To demonstrate vocational English, an applicant must achieve a band score of at least 5 on all components of the International English Language Testing System (IELTS) test: speaking, reading, listening and writing.<sup>5</sup> Australia's health professions, however, require a higher level of English ability and have mandated IELTS band 7 as the lowest allowable standard for clinical registration.

7.5 English language skills play a vital part in a migrant's search for work. Table 7.1, summarising data from the Department of

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2 CPA Australia, *Submission No. 39*, p. 2.

3 DIMA website, <http://www.immi.gov.au/asri/background.htm#g> (accessed 24 July 2006).

4 There are currently concessions, under certain circumstances, to this requirement for some visas under the GSM program and ENS.

5 The IELTS provides an assessment of whether candidates are ready to work in an English speaking environment. The test can be taken at test centres around the world. Results are graded across nine bands: band 1, non-user to band 9, expert user.

Immigration and Multicultural Affairs' (DIMA) Longitudinal Survey of Immigrants to Australia (LSIA), matches the employment status of migrants at six and 18 months after arrival with their assessment of their English language ability immediately after arrival.

Table 7.1 LSIA2—English proficiency and unemployment

English speaking ability immediately after arrival	Unemployment rate six months after arrival	Unemployment rate 18 months after arrival
English 1st language	14%	4%
Very well	16%	7%
Well	18%	11%
Not well	33%	26%
Not at all	16%	25%

Source DIMA, 'Migrant Labour Market Outcomes', Fact sheet No. 14, 22 April 2005, <http://www.immi.gov.au/media/fact-sheets/14labour.htm> (accessed 17 August 2006).

- 7.6 A number of recent reports have commented on the importance of English language proficiency on the labour market outcomes of migrants. One recent study has recommended a higher standard of English for skilled employment, particularly in the professions, and changes to the pre-entry IELTS levels for international students.<sup>6</sup>
- 7.7 CPA Australia, one of the assessing authorities for accountants (many international students have enrolled in accounting in seeking permanent migration to Australia), commented that its research had suggested that 'English language skills are the key determinant for gaining professional accounting employment':
- We would support any move by DIMIA to increase the English language competency requirement for skilled migration.<sup>7</sup>
- 7.8 With regard to requiring a higher standard of English for all skilled migrants, one witness suggested that consideration be given to raising English language requirements for particular professions rather than across the board:

... there was a discussion about lifting the IELTS score from 5 to 6 for all skilled migrants. To me, this is quite a blunt instrument and may impact on our ability to attract skilled

6 Birrell et al, *Evaluation of the General Skilled Migration Categories*, pp. 165-166.

7 Ms Nicholls, CPA Australia, *Transcript of Evidence*, 24 November 2005, p. 37.

trades. A preferred alternative is to look at the specific communication requirements for each occupation and to incorporate any higher IELTS scores that are required into the skills assessment process.<sup>8</sup>

- 7.9 In terms of English language proficiency for international students, DIMA commented to the Committee on the possible need to tighten up the English language requirements for people transferring out of the student stream and into the permanent resident scheme through the GSM program:

There was some suggestion that people were able to enter an Australian university and receive a degree but come out without necessarily the English language skills we would expect.<sup>9</sup>

- 7.10 It is important that the efficacy of the English language component of the migration program be monitored to ensure that it continues to meet its objectives, given the significance of this area to the overseas skills recognition process. In particular, the Committee believes there needs to be emphasis on workplace English language training. Evidence over the course of the inquiry highlighted that 'relatively small improvements in English speaking capacity would result in relatively large improvements in labour market status'.<sup>10</sup>
- 7.11 The Committee does not support increasing the IELTS requirement across all groups but rather favours a more targeted review of requirements on an occupation basis. The Committee also believes the English level competencies of migrants should continue to be monitored, particularly to ensure adequate vocational English standards, as discussed in Chapter 1.

### **Recommendation 45**

- 7.12 **The Committee recommends that:**

**a) applicants under the skills stream, employer sponsored (including Labour Agreements) and temporary visa categories such as the 457 visa be required to have vocational English as a minimum standard;**

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8 Mr Fitzhardinge, Western Australian Skills Advisory Board, *Transcript of Evidence*, 15 November 2005, p. 3.

9 Mr Fox, DIMA, *Transcript of Evidence*, 27 March 2006, p. 37.

10 Engineers Australia, *Submission No. 76*, p. 6.

- b) the Department of Immigration and Multicultural Affairs specify the manner in which language proficiency is assessed; and**
- c) an independent evaluation be conducted to ensure that consistent standards of English language competence are being applied.**

## English language tuition and translation services

- 7.13 Witnesses emphasised the particular problems faced by migrants from a non-English-speaking background:

Non-English-speaking migrants are disadvantaged. They take between two and six years to upgrade their qualifications, depending on their level of language skill and the type of course that they have undertaken.<sup>11</sup>

People with English as a second language (ESL) often have difficulty accommodating industry terminology or technical terms for their occupation.<sup>12</sup>

- 7.14 Migrants from a non-English-speaking background would benefit from English classes that 'fast track acquisition of industry terminology and technical terms in their field'.<sup>13</sup> The Committee supports the further investigation by DIMA of the merit of industry specific language courses.
- 7.15 Witnesses also emphasised the need to provide 'easy to understand information to people from a Culturally and Linguistically Diverse (CALD) background' and to consult migrant specialists such as Migrant Resource Centres 'to review written materials to ensure they are easy to understand by people from NESB'.<sup>14</sup>
- 7.16 English language tuition is provided by the Australian Government through the Adult Migrant English Program (AMEP) to help newly-arrived migrants and humanitarian entrants (under certain visa categories) from non-English-speaking backgrounds settle successfully in Australia. (As discussed in Chapter 1, skills stream migrants under certain visa categories who have less than functional English incur an additional visa application charge.)

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11 Dr Tilbury, *Transcript of Evidence*, 15 November 2005, p. 56.

12 South Metropolitan Migrant Resource Centre, *Submission No. 99*, p. 1.

13 South Metropolitan Migrant Resource Centre, *Submission No. 99*, p. 1.

14 South Metropolitan Migrant Resource Centre, *Submission No. 99*, p. 1.

- 7.17 The program is available to those who have been assessed by DIMA as not having basic English skills. DIMA funds organisations in each state and territory to provide tuition through AMEP, which provides up to 510 hours of basic English language tuition to migrants and refugees from non-English-speaking backgrounds.
- 7.18 The Committee heard that 510 hours of English tuition was a 'one size fits all approach' that was insufficient for employment purposes, and that the eligibility of the program needed to be extended and based on need:<sup>15</sup>
- The 510 hours program is like the other immigration department programs. It is designed to bring people to a settlement level, which is basically a survival level ... It does not provide a level of services which enables anybody to be independent, to participate in society or to go and get a job, even the most basic job.<sup>16</sup>
- 7.19 Migrants and humanitarian entrants who are assessed by DIMA as having functional English are not eligible for tuition under AMEP. The Committee is concerned that those who do not qualify for English tuition, and those who have reached their maximum hours allocated, may still not have attained a level of English proficiency suitable for resuming their chosen occupations in Australia.
- 7.20 The Committee acknowledges the impact that extending the eligibility requirements for AMEP can potentially have on employment outcomes, particularly of humanitarian entrants. The Committee notes that DIMA did not extend the 510 hours following its 2003 review of settlement services, mainly due to a shortfall in past take-up. DIMA should include a general review of the 510 hour limit in its next review of settlement services.
- 7.21 The Translating and Interpreting Service (TIS) provides a document translation service and a 24 hour a day, seven days a week, telephone interpreting service to migrants with limited English skills. DIMA provides eligible clients (mainly those with permanent visas) with fee-free extract translations into English of certain personal documents necessary for their settlement in Australia.

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15 See, for example, Mr Machar, Australian Refugee Association, *Transcript of Evidence*, 14 November 2005, p. 64.

16 Mr Liston, Australian Refugee Association, *Transcript of Evidence*, 14 November 2005, p. 63.



7.22 The Committee heard that for eligible visa holders DIMIA now funds only one document translation in each of the following categories: identity, relationship, facilitation, education and employment. However, witnesses observed that often translations are needed for multiple documents for skills recognition purposes.<sup>17</sup> The Committee acknowledges the difficulties this may cause humanitarian entrants in particular, because of the requirements of government departments and assessing authorities for multiple documents to be translated:

These new arrangements have adverse impact on skills recognition and employment prospects for the newly arrived migrants who often need several documents in one category e.g. references from employers, and other training and educational documents. This also creates a barrier for accessing TAFE, University, other educational institutions and for State registration for trades.<sup>18</sup>

7.23 The current restriction on translating services also falls short of AEI-NOOSR and Overseas Qualification Unit (OQU) requirements:

Even under special request, DIMIA will only translate one transcript not any award documents ... AEI-NOOSR require both the award and transcript to be translated prior to assessment. We clearly have two Commonwealth bodies with conflicting policies. The WA OQU and other State OQUs require the same. Professional bodies require multiple and other documents to be translated and this is clearly specified on their application forms.<sup>19</sup>

#### **Recommendation 46**

7.24 **The Committee recommends that the Department of Immigration and Multicultural Affairs extend its fee-free document translating service, to provide for three documents in each category for each eligible visa holder.**

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17 See, for example, Mr Player, Western Australian Department of Education and Training, *Transcript of Evidence*, 15 November 2005, p. 18.

18 Western Australian Government, *Submission No. 16*, p. 4.

19 Western Australian Department of Education and Training, *Submission No. 20*, p. 9.

## Acceptance of recognised overseas qualifications by Australian employers

- 7.25 One of the Committee's terms of reference included identifying areas where Australia's procedures can be improved in terms of awareness and acceptance of recognised overseas qualifications by Australian employers. As DIMA commented:

Australian employers, in some parts of Australia, remain sceptical and perhaps risk averse in hiring people with skills from overseas. There is still an element of that around. There is still an element of people not hiring people from overseas who may actually have quite good English but, because of a strong accent or something, they may be reticent about taking that person on.<sup>20</sup>

- 7.26 This comment was echoed in other evidence:

Some of the evidence that came through the reference group's inquiry suggests that employers are not always as welcoming of those with overseas qualifications as they are of people with local qualifications ...<sup>21</sup>

The skill-sets of some permanent migrants are being under-utilised in the Australian labour market, and it is clear that in some cases they are not valued as equivalent to Australian qualifications.<sup>22</sup>

- 7.27 This area was raised as of particular concern when it involved employer acceptance of overseas qualifications for those from non-English-speaking backgrounds:

We ... interviewed 40 mainstream employers and asked them what they thought about employing people from culturally and linguistically diverse backgrounds, especially refugees, and they tend to see overseas qualifications from non-English-speaking countries, whether formally recognised or not, as something they cannot rely upon. This is again this point about formal recognition versus informal recognition. One can have formally recognised skills from a non-English-speaking country and employers just do not take them

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20 Mr Rizvi, DIMA, *Transcript of Evidence*, 5 September 2005, p. 13.

21 Ms Jeremic, Training and Skills Commission SA, *Transcript of Evidence*, 14 November 2005, pp. 17-18.

22 Engineers Australia, *Submission No. 76*, p. 7.

seriously, so this is a problem that does not solely depend on whether skills are recognised or not.<sup>23</sup>

- 7.28 The Committee was, however, pleased to hear that the Brotherhood of St Laurence had seen 'evidence of employers showing increasing awareness and acceptance of overseas qualifications, skills and experience'.<sup>24</sup> The importance of building local support networks and providing workplace cultural training to address this area cannot be understated. It is critical that an awareness be built of the value of overseas skills and culturally diverse workers to the workplace.
- 7.29 DIMA's *Living in Harmony Partnerships Program* promotes the benefits of diversity to Australian employers, business and regional areas to bring together business and migrant job seekers to make best use of the diverse skills and experience of this workforce.<sup>25</sup> DIMA's Australian skills expos and industry outsourced officers also further build awareness by industry and employers of the occupational skills of migrants.

## Work experience—offshore and local

- 7.30 Work experience is another important part of the overseas skills recognition process and, like English language proficiency, assists in achieving optimum employment outcomes.
- 7.31 Under the GSM program, there are a range of work experience requirements where applicants must have been in a skilled occupation for specified periods immediately before applying. There is an exemption to the work experience requirement for those who have studied in Australia for two years or more – although this is currently under review, given the value placed by employers on work experience:

Last year we visaed something like 16,000 overseas students as permanent residents. They completed their studies and converted to permanent residence. Increasingly, however, employers are saying, 'The university degree is great, but we actually need a bit more,' and often that involves some sort of work experience, a professional year or something like that.<sup>26</sup>

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23 Dr Colic-Peisker, *Transcript of Evidence*, 15 November 2005, p. 54.

24 Brotherhood of St Laurence, *Submission No. 23*, p. 2.

25 Living in Harmony program website, <http://www.harmony.gov.au/partnerships/index.htm> (accessed 2 August 2006).

26 Mr Rizvi, DIMA, *Transcript of Evidence*, 5 September 2005, p. 9.

- 7.32 The Committee heard many claims of a preference by Australian employers for local work experience:

... I see qualification recognition as the first step but a step that may not get people very far. One ... respondent said that the biggest problem was that his [offshore] work experience was not taken into consideration by employers at all. The fact that he had offered documents of qualification that were recognised did not mean anything to them. Interviewers told him, 'We are not interested in what you were doing before. We want to know about your work experience in Australia'.<sup>27</sup>

I have actually had somebody who has migrated as an independent migrant come to me and say, 'I can't get work because they want Australian experience'.<sup>28</sup>

- 7.33 As one witness summed it up:

... formal recognition may not mean much without finding a way to secure some Australian job experience and, via this experience, being able to provide Australian references.<sup>29</sup>

- 7.34 While employers may look for local work experience, it is often as a way of obtaining reliable references:

Employers place great value on people being able to demonstrate their local skills by having a person speak to those experiences. The industry is very familiar with most of the major players, and they will respect particular opinions. Local work experience is invaluable. ... People who come here can then practice those skills and also become more aware of local requirements and even use that period to tease out whether there are any gaps and look at where we can provide some additional upgrading training to bridge those gaps.<sup>30</sup>

- 7.35 The Communications, Electrical, Electronic, Energy, Postal, Plumbing and Allied Workers Union of Australia (CEPU) argued that it is:

... not so much a problem with qualifications but a problem with employer's preferring employees with local experience. A solution to this may be some sort of Government sponsored

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27 Dr Colic-Peisker, *Transcript of Evidence*, 15 November 2005, p. 61.

28 Mrs Cunningham, Department of Business, Economic and Regional Development, Northern Territory, *Transcript of Evidence*, 14 November 2005, p. 11.

29 Dr Colic-Peisker, *Transcript of Evidence*, 15 November 2005, p. 54.

30 Mr Kingsley, Department of Education and Training, New South Wales, *Transcript of Evidence*, 23 November 2005, p. 7.

placement program which allows migrants who are successfully assessed as being trade equivalent are able to gain the requisite local experience that makes them able to gain local employment.<sup>31</sup>

7.36 The Committee's report, *To Make a Contribution: Review of Skilled Labour Migration Programs 2004*, further commented on this area and examined potential avenues for improving migrant access to local work experience. Submissions to that Committee urged that:

- employers be made more aware of the opportunities for employing skilled migrants;
- private companies be given some financial incentive to employ skilled migrants as is the case for trainees;
- cross cultural training should be provided to skilled migrants to help them to present themselves favourably to Australian employers and recruitment agencies;
- local support networks be created;
- short term bridging programs be provided for skilled migrants;
- tailored job-matching services or services be implemented to gain Australian work experience for each migrant ...
- more funding for existing programs for migrants be provided; and
- there be better coordination of notification of employment opportunities nationally.<sup>32</sup>

7.37 The Committee noted a very similar range of comments over the course this inquiry. In particular, witnesses emphasised the importance of building local support networks and of training programs in workplace culture to assist migrants in presenting themselves favourably to Australian employers and recruitment agencies:

CPA Australia is currently working with the Department for Victorian Communities to offer a transition to work program for our migrant members in 2006. The program will focus on success strategies, interview skills, training and workplace communication skills. Professional bodies and government organisations have a role to play in assisting skilled migrants into professional jobs for which they are qualified.<sup>33</sup>

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31 CEPU, *Submission No. 87*, p. 7.

32 Joint Standing Committee on Migration, *To Make a Contribution: Review of Skilled Labour Migration Programs 2004*, p. 142.

33 Ms Nicholls, CPA Australia, *Transcript of Evidence*, 24 November 2005, p. 38.

- 7.38 The Committee notes that professional bodies, such as CPA Australia, could be further supported to deliver skilled migrant transition to work courses, noting that they have large networks of members and good industry contacts to facilitate this area.
- 7.39 The Committee also heard about the results achieved through a range of state based work experience programs. The Victorian Government funds migrant employment programs with work experience components, including the Skilled Professional Migrants Program delivered by the Adult Multicultural Education Service<sup>34</sup> and the Overseas Qualified Professionals Program delivered by the Northern Melbourne Institute of TAFE.<sup>35</sup>
- 7.40 The Queensland Department of Employment and Training's Breaking the Unemployment Cycle program includes work placement projects for unemployed migrants covering trades and professions. The Department also manages the Migrant Work Experience Program, delivered by Corporate Solutions Queensland, which provides training in administration.<sup>36</sup>
- 7.41 The Western Australian Government's Employment Directions Network includes a work experience program:

We cover the insurance for people to undertake work experience. We also offer a very small amount of money just to help out with fares, because that is an additional cost and most of those people are on very limited incomes. We set targets that they have to meet when offering work experience opportunities to the general population, and particularly to migrants through the migrant resource centres, where we fund career services ... we are very well aware that eight of 10 jobs are never advertised, that people get them through networks and through things like work experience, through being in the environment and being able to demonstrate that they are capable of undertaking the tasks, so it is a very important pathway.<sup>37</sup>

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34 AMES Skilled Professional Migrant Program website, <http://www.ames.net.au/spmp#Article-30> (accessed 16 July 2006).

35 See Ms Tkalecic, Department for Victorian Communities, *Transcript of Evidence*, 24 November 2006, pp. 11-12.

36 Ms Arrol, Queensland Department of Employment and Training, *Transcript of Evidence*, 9 March 2006, p. 45.

37 Ms Hull, Department of Education and Training, Western Australia, *Transcript of Evidence*, 15 November 2005, p. 29.

- 7.42 Some Migrant Resource Centres provide work experience programs funded by state government community grants schemes. Queensland's Multicultural Development Association runs an employment program covering resume writing, job search activities, and interview preparation, and an office administration work experience program through a multicultural community jobs plan scheme.<sup>38</sup>
- 7.43 The Skillmax program in New South Wales aims to assist overseas trained people to better use and further develop their skills and qualifications through:
- Courses for newly-arrived skilled migrants in the language of job seeking and cross cultural understanding of the Australian workplace and job seeking practices
  - Courses for public servants from non-English speaking backgrounds who were working below the level of their overseas qualifications, skills and/or experience.<sup>39</sup>
- 7.44 The Committee heard high praise for the New South Wales Government's Skilled Migrant Placement Program and the Migrant Career Development Program. The Skilled Migrant Placement Program provided holistic pathways to qualifications assessment, bridging courses and work experience. It is reported that over 5,000 migrants were assisted at an average cost of \$228 per person in the final 14 months of the program. The Migrant Career Development Program organised placements for skilled migrants in the public sector.<sup>40</sup>
- 7.45 Some were critical of the New South Wales Government decision to terminate the Skilled Migrant Placement Program and the Migrant Career Development Program, and remove the work experience component from the Skillmax employment support program.<sup>41</sup> It appears that a key barrier to the development of work experience programs is the inability of service providers to cover the cost of insurance:

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38 Multicultural Development Association, *Submission No. 13*, p. 3.

39 New South Wales Government, *Submission No. 84a*, p. 2.

40 Ms Howell, Migrant Employment and Training Taskforce, *Transcript of Evidence*, 23 November 2005, pp. 21-22.

41 See Ms Rice, Migrant Employment and Training Taskforce, *Transcript of Evidence*, 23 November 2005, pp. 21-22.

... there is no funded service in New South Wales currently providing the required insurance to enable migrants to take up work experience placements.<sup>42</sup>

- 7.46 A number of witnesses noted that gaining access to employment related support programs was impeded by the fact that migrants resident in Australia for less than two years, excluding humanitarian entrants, are not eligible for the full range of Job Network services. This is discussed below.
- 7.47 The facilitation of migrant employment was examined in depth in DIMA's review of settlement services in May 2003.<sup>43</sup> Another review of settlement services would be timely, given the dynamic nature of Australia's migration program and the comments received by this Committee on this area over the course of two inquiries.

### **Recommendation 47**

- 7.48 **The Committee recommends that the Department of Immigration and Multicultural Affairs explore local work experience initiatives in a further review of migrant settlement services in 2007.**

**The review should consider the development of new service options for migrants and humanitarian entrants that would allow them to gain work experience early on in their job search and provide them with scope to combine work experience with English language and other training elements, with a particular emphasis on workplace culture and use of technology. The role of professional bodies in providing transition to work programs should also be considered. This review would also look at English language training, particularly industry specific language courses.**

### **Early identification of skills**

- 7.49 A significant number of people who enter Australia through the humanitarian stream, or through a range of family reunion visas, hold professional or trade qualifications in their country of origin:

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42 Ms Rice, Migrant Employment and Training Taskforce, *Transcript of Evidence*, 23 November 2005, p. 17.

43 DIMA, *Review of Settlement Services for Migrants and Humanitarian Entrants*, pp. 107-145.



The misconception often exists in the broader Australian community that if you are a refugee you are most likely to be uneducated and unskilled.<sup>44</sup>

7.50 While research shows that refugees may be less educated than other migrants, this does not mean that as a group they have no skills at all. (The particular skills recognition issues facing humanitarian entrants are discussed below.)

7.51 At present there is no requirement for pre-arrival assessment of migrants arriving outside of the skills stream, including humanitarian entrants, and it was argued that:

There need to be more opportunities for pre-arrival assessment for those not coming under the skilled migration stream, and more accessible opportunities for pre-arrival recognition and upgrading for others should also be offered – for instance, for families of skilled migrants.<sup>45</sup>

7.52 The need to consider what skills others beyond the skills stream migrant might bring was also raised by other witnesses:

[There is a] significant discrepancy between the level of service that is provided to a principal applicant when they are getting their skills assessed offshore as opposed to their spouse or partner or other qualified relatives who are skilled. There are two reasons why it is really important. One is that if they are not afforded a parallel process in terms of their recognition, there is a risk that Australia misses out on those skills. People are going to find it harder to get employment, it is going to take longer to get employment and there are issues about if, when people arrive, there is a delay in looking for and getting employment then there are implications for the family. So it impacts on the community and the family.<sup>46</sup>

7.53 A delay in assessing what skills a migrant has, and in addressing any inadequacies in their capabilities, can have severe consequences. As researcher Dr Birrell has commented:

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44 Ms Karanastasis, Migrant Resource Centre of South Australia, *Transcript of Evidence*, 14 November 2005, pp. 27-28.

45 Ms Rice, Migrant Employment and Training Taskforce, *Transcript of Evidence*, 23 November 2005, p. 16.

46 Ms Maddrell, Migrant Network Services (Northern Sydney), *Transcript of Evidence*, 23 November 2005, p. 33.

Migrants who cannot gain rapid entry to the labour market in their fields of training are likely to struggle to ever do so partly because their skills are soon likely to become obsolete. They may require significant retraining (including training to enter alternative fields). This is a serious matter because since 1996 the Australian Government has rarely provided financial assistance to migrants needing labour-market bridging programs, nor provided any other form of income support in the first two years of settlement.<sup>47</sup>

- 7.54 The way in which individuals with skills, particularly those entering in the humanitarian stream, are identified appears to be by word of mouth, and not at all systematic:

We have to depend on volunteer groups who look after them in their first six months after arrival and the migrant resource centres to hear about the qualifications that they have.<sup>48</sup>

- 7.55 The Committee believes it would assist in the settlement process if a skills report on each individual could be done at the same time as the rest of their documents were processed. This would not be to the level of a full skills assessment, but should at least list previous work experience and qualifications. This information should be provided, with the individual's consent, to those groups involved in the settlement process and the relevant state or territory OQU. The OQUs, in consultation with those providing settlement services, would then have a starting point in identifying individuals who would benefit from bridging or other courses to enable their more rapid movement into work.

#### **Recommendation 48**

- 7.56 **The Committee recommends that the settlement process for those who have not undergone a skills assessment prior to arrival should include a listing of their qualifications and previous work experience, and that, subject to the individual's agreement, this information be made available to those involved in provision of settlement services and to the relevant state or territory Overseas Qualifications Unit.**

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47 Birrell et al, *Evaluation of the General Skilled Migration Categories*, p. 163.

48 Mrs Andersch, Department of Premier and Cabinet, Tasmania, *Transcript of Evidence*, 27 February 2006, p. 4.

- 7.57 The Committee also received evidence on the value of professional mentoring programs<sup>49</sup> and notes the professional mentoring initiatives in place in Australia.<sup>50</sup>
- 7.58 As discussed in Chapter 6, the Committee noted the innovative online mentoring program provided in Canada called Canadainfonet and sees potential value in an online occupation mentoring program providing industry and state specific guidance on skills recognition before a migrant has entered Australia. Such a service would assist in establishing a professional network for migrants prior to settlement and be a source of informal information on skills recognition and licensing issues in particular occupations.

### **Recommendation 49**

- 7.59 **The Committee recommends that the Departments of Education, Science and Training, and Immigration and Multicultural Affairs undertake a scoping study on the potential of an online professional mentoring program targeting prospective skilled migrants in Australia. Such a program would recruit industry volunteers to provide general advice to prospective migrants on skills recognition, licensing, employment and related matters, based on the Canadainfonet model described in Chapter 6 of the report.**

## **Bridging courses**

### **Bridging courses in professions**

- 7.60 One of the Committee's terms of reference is to identify areas where Australia's procedures can be improved, including in the early identification of and response to persons needing skills upgrading, such as through bridging courses.
- 7.61 Skills stream migrants may have skills gaps, which can mean delays in employment and time and cost to gain the skills required. The Committee notes the importance here of providing improved

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49 For example see Ms Howell, Migrant Employment and Training Taskforce, and Ms Rice, Migrant Employment and Training Taskforce, *Transcript of Evidence*, 23 November 2005, p. 26.

50 For example, the Department of Health and Ageing funds the mentoring of overseas trained general practitioners in rural and remote areas, *Submission No. 37*, p. 3.

information to skills stream migrants about their professions before they arrive in Australia, such as through the occupational information on the new ASRI site, so that they may be able to address skills gaps before migration or prepare better for undertaking the necessary training on arrival.

7.62 As the Department of Education, Science and Training commented, there is an important link here with recognition of prior learning:

More generally within Australia I think everyone is interested in looking at how you can more effectively assess people's existing competencies and therefore minimise the amount of extra training they need to get an Australian qualification. If you can mirror that with overseas migrants then obviously you can again minimise the amount of additional training they might need to come up to Australian standards. So RPL is a very important aspect of streamlining recognition. That is the easy part. Saying how you actually do it is more complicated.<sup>51</sup>

7.63 There is existing bridging study assistance for overseas trained professionals under FEE-HELP:

You may be eligible for a FEE-HELP loan to undertake a bridging course to enable you to meet the requirements for entry to your profession in Australia. The loan is for the payment of tuition fees for a bridging course. You will need to be a permanent resident of Australia in order to enrol in a bridging course for which FEE-HELP applies, and there are other eligibility criteria.<sup>52</sup>

7.64 A bridging course for overseas trained professionals involves undertaking higher education studies that enable an individual to meet specific academic or professional requirements for entry to a professional occupation in Australia. These requirements must be specified in an assessment statement.

7.65 An assessment statement is a written statement which:

- lists the studies, examinations and/or tuition and training programmes that you need to undertake successfully to meet the requirements for entry to your profession

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51 Dr Jarvie, DEST, *Transcript of Evidence*, 27 March 2006, p. 23.

52 DIMA website, <http://www.immi.gov.au/asri/fees-assist.htm> (accessed 4 July 2006).

- is issued by an assessing body for a listed professional occupation.<sup>53</sup>
- 7.66 The assessment statement will specify a pathway for a person to qualify for entry into their profession in Australia. It may specify that they should undertake:
- individual subject units from existing university courses recommended by the relevant assessing authority
  - courses to prepare [for] professional examinations required for recognition of your overseas qualifications in Australia; or
  - tuition and training programmes.<sup>54</sup>
- 7.67 It is not necessary to be enrolled in what is normally regarded as a 'course' to be undertaking a bridging course for overseas trained professionals. Courses must not lead to a higher education award or exceed the equivalent of one year of full-time study.
- 7.68 The different groups seeking overseas skills recognition may have varying needs for bridging courses. For example, some family migrants and humanitarian entrants with skills and qualifications gained overseas may experience greater difficulty in meeting Australia's registration and licensing requirements.
- 7.69 Similarly, as discussed earlier with regard to medical practitioners, some skills stream migrants may benefit from closely targeted, limited bridging courses that rapidly enable them to successfully complete assessment and registration processes. The Committee heard from a number of assessing authorities/professional bodies that offer bridging courses.<sup>55</sup>

## Bridging courses in trades

- 7.70 A number of submissions made the point that there are few or in some cases no bridging courses available to allow migrants with some trade experience to reach the level often required for licensing.<sup>56</sup>

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53 DEST website, <http://www.goingtouni.gov.au/Main/Quickfind/InternationalStudents/BridgingCoursesForOverseasTrainedProfessionals.htm> (accessed 4 July 2006).

54 DEST website, <http://www.goingtouni.gov.au/Main/Quickfind/InternationalStudents/BridgingCoursesForOverseasTrainedProfessionals.htm> (accessed 4 July 2006).

55 See, for example, Australian Nursing and Midwifery Council, *Submission No. 5*, p. 2; and Australian Dental Council, *Submission No. 42*, p. 4.

56 See, for example, Noel Hewitt Associates, *Submission No. 1*, p. 1; Tasmanian Government, *Submission No. 77*, p. 3; and Queensland Government, *Submission No. 83*, p. 24.

7.71 Some bridging and refresher courses are offered in some states. For example, TAFE NSW offer programs in vocational areas including engineering, accounting, electrical, automotive and hairdressing. The courses 'have been specifically developed for overseas-qualified professionals, paraprofessionals and trades people seeking registration, licensing and employment'.<sup>57</sup>

7.72 While many individuals would be prepared to undertake bridging or other courses to address gaps in their skill levels, often cost is a significant disincentive:

... they just do not have the money to pay up-front. Often, they cannot study because they have to work to feed the family. Even if they could do it part-time and repay it through a similar system like HECS, that would be good. Not all of our clients are university educated; they may have trade qualifications, but even for trade qualifications there could be some system put into place whereby they could pay it back once they have a job.<sup>58</sup>

7.73 Others called for:

... an audit and assessment of current bridging courses in order to examine the efficacy and availability in all states and territories.<sup>59</sup>

7.74 While the Committee heard many comments about the importance of bridging courses, it received very little evidence about the range of courses available, particularly in the area of trades; the costs and timeframes involved in those courses; and the degree to which those bridging courses then led to successful overseas skills recognition.

### **Recommendation 50**

7.75 **The Committee recommends that, given the lack of consolidated information on bridging courses around Australia, the Department of Education, Science and Training undertake a detailed audit of the availability of such courses, the costs and time commitments involved, the uptake rate of various courses and, most importantly, the success rates of bridging courses in enabling individuals with overseas**

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57 NSW Government, *Submission No. 84*, p. 14.

58 Mr Lewinski, Migrant Resource Centre of South Australia, *Transcript of Evidence*, 14 November 2005, p. 39.

59 Ms Karanastasis, Migrant Resource Centre of South Australia, *Transcript of Evidence*, 14 November 2005, p. 28.

**qualifications to gain successful skills recognition. The results of the audit should be made publicly available – for example, on the Australian Skills Recognition Information website.**

- 7.76 While it can be argued that, for those migrants arriving under the GSM and ESM programs, the pre-migration process should be sufficiently rigorous that the migrant is quickly able to obtain the necessary registration or licensing (if required) and commence work without any additional training, this may not always be the case. The Committee was advised that ‘the cost of getting qualifications recognised is a significant impost for all of these groups but for Refugee and Humanitarian Entrants, these costs can constitute a major barrier’.<sup>60</sup> This is, however, not the only impediment:

Recognition of qualifications is only the first step for many migrants and refugees with trades’ qualifications. The next step for many trades is to satisfy the appropriate licensing and registration to practice their trade in Australia. Meeting licensing and registration requirement also incurs significant costs. For example, the cost of recognition of qualifications and meeting licensing and registration requirements for electricians is over \$1000.<sup>61</sup>

- 7.77 There is no Higher Education Contribution Scheme (HECS) equivalent system for the TAFE system in Australia. The Committee was conscious of the equity arguments applying if a special arrangement was provided for all skilled migrants and not for the general Australian population. However, the Committee does believe that special assistance should be available to those arriving under the humanitarian and refugee program to maximise their potential to join the work force and integrate as fully as possible into Australian society.
- 7.78 The Committee therefore believes that a loan scheme should be available to those humanitarian entrants who need to upgrade their skills through TAFE bridging courses.

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60 Adult Migrant Education Services, *Submission No. 9*, p. 2.

61 Adult Migrant Education Services, *Submission No. 9*, p. 2.

## Recommendation 51

- 7.79 **The Committee recommends the creation of a Higher Education Contribution Scheme type system to allow humanitarian stream entrants with some level of trade qualifications to undertake appropriate courses to enable them to work in their trade occupations.**

### Job Network and social security

- 7.80 Job Network is made up of government, community and private organisations contracted by the Department of Employment and Workplace Relations (DEWR) to provide employment services. A number of Job Network providers specialise in providing assistance to migrants and humanitarian entrants.<sup>62</sup> However, while humanitarian entrants may access the full range of Job Network services,<sup>63</sup> other recently arrived migrants only have access to a limited range of Job Network services.
- 7.81 Under the *Social Security Legislation Amendment (Newly Arrived Residents Waiting Periods and Other Measures) Act 1997*, newly arrived residents are required to wait for a period of two years before they are eligible to receive most social security benefits, including Newstart, sickness, youth training, widow, partner, parenting, mature age allowances and special benefit payments. Humanitarian entrants are exempt from this requirement.
- 7.82 DIMA provides the following warning to migrants in regard to social security payments:
- It is very important to understand that you should have enough money to support yourself (and your dependents) for at least your first two years in Australia. There is no alternative government support program for people who cannot get social security payments.<sup>64</sup>
- 7.83 Access to full Job Network services is tied to a migrant's eligibility for Centrelink payments. The Committee was advised that:

62 The Committee understands this varies markedly across Australia. For example, the Committee was advised that Queensland does not have a migrant specific Job Network provider (see Ms Arrol, Queensland Department of Employment and Training, *Transcript of Evidence*, 9 March 2006, p. 52).

63 Migrant Employment and Training Taskforce, *Submission No. 18*, p. 11.

64 DIMA, *General Skilled Migration*, March 2006, p. 41. This information is repeated across other DIMA migration booklets.



There are current services, such as the Job Network, for example; however, overseas skills are not taken into account and Job Network staff often actively discourage migrants and refugees from seeking work in their field of expertise. Emphasis is on any job rather than relevant jobs and staff do have specialist knowledge. The Job Network is not as effective as specialist programs that have existed in the past in New South Wales and currently exist in other states such as South Australia, Queensland and Victoria.<sup>65</sup>

... the Job Network program in general is designed to assist people to find any job, regardless of their skills, as quickly as possible. Job Network staff are under pressure to achieve outcomes and there is no incentive, resources or training for them to assist people through the recognition process. Migrants in the first two years of arrival are only eligible for an automatic resume matching service and are offered no individualized service through the Job network anyway, so there is a greater need for stronger support there.<sup>66</sup>

- 7.84 As discussed below, the Committee considers that the terms of service under Job Network contracts have a particular impact on humanitarian entrants. As one witness explained:

Humanitarian program people do not even appear on the radar in Job Network. Job Network assumes ... that people coming into the system are either coming out of school or coming from previous employment.<sup>67</sup>

- 7.85 The Committee heard recommendations that 'the two-year waiting period should be waived and should not be tied to eligibility for Centrelink benefits in respect of assistance offered by Job Network agencies'.<sup>68</sup>

- 7.86 The Refugee Council of Australia noted, in regard to refugee and humanitarian entrants that:

Job Network providers ... are not financially remunerated for placing long-term job seekers in skill recognition procedures,

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65 Ms Dunlop, Migrant Employment and Training Taskforce, *Transcript of Evidence*, 23 November 2005, p. 15.

66 Ms Rice, Migrant Employment and Training Taskforce, *Transcript of Evidence*, 23 November 2005, p. 17.

67 Mr Liston, Australian Refugee Association, *Transcript of Evidence*, 14 November 2005, p. 62.

68 Multicultural Development Association, *Submission No. 13*, p. 5.

as a client needs to be placed in employment before this remuneration is received from DEWR. This leads to Job Network providers being encouraged to place difficult job seekers in employment that is not necessarily commensurate with their skills and qualifications as the process of assisting them with skills recognition is not financially lucrative.<sup>69</sup>

- 7.87 It was suggested to the Committee that Job Network contracts should focus on placing humanitarian entrants into retraining and skills assessment rather than just any form of employment. Figure 7.1 provides an example of how Job Network can neglect the potential of refugees.

Figure 7.1 Case study—skilled refugee from Sierra Leone

Albert, aged 34 years, is a refugee from Sierra Leone and arrived in Australia early 2002. Albert holds a degree in engineering and several post-graduate degrees in Environmental Sciences and Project Management. He has extensive working experience ...

Upon his arrival in Australia, he had his qualifications assessed and while his undergraduate degree was not considered equivalent to an Australian degree his post-graduate qualifications were considered equivalent to similar Australian post-graduate awards. Armed with these assessments, as well as his extensive work experience, he approached several job network agencies to seek assistance finding appropriate employment. He was told by several agencies that his was a very 'specialised' area of work and they could not offer him work in this field. However instead of referring him to an agency that may be able to better assist, they insisted he consider working in factories or as a manual labourer, remarking that he was "a strong and healthy young man, able to lift heavy boxes." Albert replied that he also had a brain!<sup>70</sup>

## Recommendation 52

- 7.88 **The Committee recommends Job Network contracts be revised to enable the agency to assist eligible overseas qualified job seekers pursue (through additional training, for example) occupations in which they have existing skills and experience, rather than immediately place them in any position available, including unskilled positions.**

69 Refugee Council of Australia, *Submission No. 35*, p. 3.

70 Centre for Learning and Social Transformation, *Submission No. 21*, p. 5.

## Impact of skills recognition processes on humanitarian entrants

- 7.89 Earlier chapters have covered the general skills recognition and licensing issues of those arriving under the skilled migration program. One group, however – those arriving under the humanitarian program – faces particular issues in the area of skills recognition.
- 7.90 Just over 13,000 visas were issued under the humanitarian program in 2004-05. A similar number has been allocated for 2005-06. Several submissions to the Committee detailed the particular challenges facing this group, and this was supported by data from DIMA's Longitudinal Survey of Immigrants to Australia (LSIA).
- 7.91 Unlike those who enter Australia through other migration streams, humanitarian entrants:
- have generally not played a role in choosing to settle in Australia (this is determined by the UNHCR and the Australian Government);
  - are more likely to have a limited understanding of Australian society, having not done any research;
  - are more likely to have departed their home countries in haste, without personal documents such as proof of employment and educational qualifications;
  - are not required to meet educational or language proficiency requirements and are more likely to have poor English skills;
  - have often faced extended periods of transit with disrupted education; and
  - are more likely to have experienced instances of persecution and torture/trauma prior to entering Australia, resulting in mental health conditions impacting on their ability to settle smoothly into the community.<sup>71</sup>

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71 These points were raised by a number of witnesses and in submissions from the Refugee Council of Australia, *Submission No. 35*, pp. 1-5; the Brotherhood of St Laurence, *Submission No. 23*, pp. 1-5; South Metropolitan Migrant Resource Centre, *Submission No. 99*, pp. 1-2; and Ms Karanastasis, Migrant Resource Centre of South Australia, *Transcript of Evidence*, 14 November 2005, p. 28.

- 7.92 As stated by the South Metropolitan Migrant Resource Centre, the burden of skills recognition processes compounds the stress of settlement for humanitarian entrants:

Settlement issues which consume humanitarian entrants' time, energy and money when they first arrive in Australia, include; attending English classes, family, health and housing issues, schooling of children, concern for relatives in the country of origin, the need to secure a job quickly to bring money in to send home to family members in their country of origin. To be burdened with complicated recognition issues increases the stress associated with settlement.<sup>72</sup>

- 7.93 Employers are generally not aware of the difficulties faced by humanitarian entrants.<sup>73</sup>
- 7.94 LSIA data shows that settlement outcomes for humanitarian entrants have weakened in the period between the arrival of the LSIA1 and LSIA2 cohorts. Humanitarian entrants in the second cohort have experienced lower levels of employment, lower workforce participation rates, lower levels of income and more health problems and psychological distress.<sup>74</sup>
- 7.95 The poorer settlement outcomes of humanitarian entrants are against the trend of improved settlement outcomes for migrants of other streams at LSIA2, and a general fall in the national unemployment rate from around nine per cent to 6.5 per cent between LSIA1 and LSIA2. During this period there have also been changes to the social security framework excluding non-humanitarian migrants from benefits in their first two years of settlement and refinements to the selection of skilled migrants.<sup>75</sup>
- 7.96 DIMA's 2003 review of settlement services noted that the poorer outcomes for humanitarian entrants appeared 'largely as a consequence of changes within source countries for the humanitarian program, with the more recent intake appearing to have experienced greater instability and disruption to their lives before migrating to

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72 South Metropolitan Migrant Resource Centre, *Submission No. 99*, pp. 1-2.

73 *Exhibit No. 10*, p. 13.

74 DIMIA, *Report of the Review of Settlement Services for Migrants and Humanitarian Entrants*, pp. 61-86.

75 DIMIA, *Report of the Review of Settlement Services for Migrants and Humanitarian Entrants*, pp. 61-86.

Australia'.<sup>76</sup> The report recommended further research and targeting of humanitarian entrants for settlement services.<sup>77</sup>

- 7.97 The composition of Australia's humanitarian intake responds to changing international circumstances across the globe. Between LSIA1 and LSIA2, there was a substantial increase in the level of humanitarian entrants from Balkan countries, particularly the former Yugoslavia and Croatia. More recently, in 2004-05, Australia has received more humanitarian entrants from African countries (73 per cent), particularly Sudan, Liberia and Sierra Leone.<sup>78</sup>
- 7.98 Humanitarian entrants who arrived at the time of LSIA2 had a history of greater instability than those that arrived at LSIA1. The African dominated LSIA3 entrants face the additional difficulty of having lower average schooling than the humanitarian entrants from Europe, and are more likely to have spent a longer time in refugee camps than humanitarian entrants from Africa in previous years.<sup>79</sup>

### Support for humanitarian entrants

- 7.99 Australia considers itself to be a leader in providing settlement support programs for humanitarian entrants.<sup>80</sup> Permanent humanitarian entrants can access:
- The Australian Cultural Orientation Program (AUSCO), which provides an introduction to Australian culture and society to humanitarian applicants overseas;
  - The Integrated Humanitarian Settlement Strategy (IHSS), which provides initial intensive assessment covering:
    - ⇒ Initial information and orientation assistance;
    - ⇒ Accommodation support;
    - ⇒ Household formation support;
    - ⇒ Early health assessment and intervention; and
    - ⇒ Proposer support.

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76 DIMIA, *Report of the Review of Settlement Services for Migrants and Humanitarian Entrants*, p. 61.

77 The recommendations for humanitarian entrants were funded and implemented through new contracts with service providers which began in October 2005.

78 DIMIA, *Australia's Support for Humanitarian Entrants*, p. 19.

79 DIMIA, *Australia's Support for Humanitarian Entrants*, p. 24.

80 DIMIA, *Refugee and Humanitarian Issues: Australia's Response*, p. 40.

- 7.100 AUSCO and IHSS are delivered through contracted service providers. Volunteers also play a significant role in the delivery of IHSS services.
- 7.101 Holders of temporary humanitarian visas have access to government services in recognition of their temporary stay. These services include certain Centrelink benefits, Medicare benefits, eligibility for torture and trauma counselling and access to the Early Health Assessment and Intervention Program.<sup>81</sup>
- 7.102 DEST provides two programs that assist non-skills stream migrants gain recognition of their qualifications and skills: FEE-HELP, discussed above, and the Assessment Subsidy for the Disadvantaged Overseas Trained (ASDOT) professionals. ASDOT is discussed below.

### Suggestions for improvement

- 7.103 Submissions and witnesses to the inquiry identified the need for clearer communication and better access to information on skills recognition and licensing arrangements for humanitarian entrants. It was recommended that:
- the role of AEI-NOOSR be more widely promoted to those involved with assisting the settlement of humanitarian entrants and training organisations;<sup>82</sup>
  - AUSCO provide a clearer explanation of the Australian labour market to provide humanitarian entrants more realistic expectations about their employment prospects;<sup>83</sup> and
  - consideration be given to ‘providing such communication through settlement services that specifically target humanitarian entrants in order to facilitate a more coordinated and seamless service approach and avoid multiple service points’.<sup>84</sup>
- 7.104 The Committee made a number of recommendations in regard to communication and information provision in Chapter 3.
- 7.105 The Committee recognises that AEI-NOOSR has improved the level of information on qualifications from refugee source countries:

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81 DIMA, ‘Temporary Protection Visas’, Fact sheet No. 64, <http://www.immi.gov.au/media/fact-sheets/64protection.htm> (accessed 10 July 2006).

82 Refugee Council of Australia, *Submission No. 35*, p. 4.

83 Refugee Council of Australia, *Submission No. 35*, p. 5.

84 Migrant Resource Centre of South Australia, *Submission No. 32*, p. 2.

One of the areas where NOOSR has improved its services is in providing a wider range of information about institutions in the countries from which we are currently sourcing refugees. That has helped the process immensely. For example, previously, we had absolutely no information in Victoria about the level of assessment of the qualifications of people coming in from Sudan. People had to forward their qualifications to Canberra, which meant that they had to pay a fairly high fee to get that advice.<sup>85</sup>

7.106 The prohibitive cost of examination and retraining was also commented on in hearings and submissions.<sup>86</sup> Figure 7.2 provides an example of the hurdles confronting a pharmacist from Sudan seeking to practice his profession.

Figure 7.2 Case study—pharmacist from Sudan

I will give an example of a pharmacist from the Sudan. ... he understood that he had to do a bridging course but that the costs involved in that process were prohibitive. Firstly, on top of that, he had to pay to have his existing qualifications from the Sudan assessed—it was a considerable sum; I think he said it was \$800. Thereafter, he had to repay the cost of his studies through the HECS system—that was acceptable—but he had to pay \$1,800 for each exam and he had to do four exams, in the end. A man coming here with 10 children just could not afford the costs associated with bridging courses. He explained to me that he had to work for the first few years in order to save some money and support his family. ... most of our clients have explained to me that the cost factor was a major issue—and maybe extra support. I know that Centrelink give \$800 towards training and that goes a little of the way, but the majority of our clients just do not have that sort of money.<sup>87</sup>

7.107 The ASDOT funding program provided by DEST aims to assist overseas trained Australians pay for the cost of examinations. In some instances, the cost of having professional qualifications assessed may also be covered under ASDOT. Assistance is available for one attempt only at each examination stage or assessment.

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85 Ms Weaver, Adult Multicultural Education Services, *Transcript of Evidence*, 24 November 2005, p. 40.

86 See, for example, Adult Multicultural Education Services, *Submission No. 9*, p. 2; Migrant Resource Centre of South Australia, *Submission No. 32*, p. 3; and South Metropolitan Migrant Resource Centre, *Submission No. 99*, pp. 1-5.

87 Mr Lewinski, Community Participation, Employment and Training, *Transcript of Evidence*, 14 November 2005, p. 29.

- 7.108 It was suggested that humanitarian entrants should automatically qualify for access to ASDOT to cover examination and assessment fees. ASDOT is intended for those in financial difficulty and applicants must be registered with Centrelink. Therefore, humanitarian entrants who are in work (often not in their professional field) may not be eligible as the criteria for ASDOT is very limited. ASDOT does not cover licensing and registration fees, is limited to twelve prescribed examinations and is not available to temporary protection visa holders.

### **Recommendation 53**

- 7.109 **The Committee recommends that the Department of Education, Science and Training conduct a review of the Assessment Fee Subsidy for Disadvantaged Overseas Trained Australians to determine how well it is meeting the needs of humanitarian entrants and what could be done to improve its operation in this area, in terms of communication, coverage of occupations and the criteria for eligibility.**
- 7.110 It was also suggested to the Committee that humanitarian entrants would benefit if 'early assessment and support services could be integrated into the suite of settlement services provided through the IHSS and General Settlement programs'.<sup>88</sup>
- 7.111 As noted earlier in this chapter, the Committee heard that the provision of a maximum 510 hours of English tuition under the AMEP was not sufficient to meet the particular needs of humanitarian entrants. The Committee acknowledges that an additional 100 hours is available to refugees and humanitarian entrants through the Special Preparatory Program.<sup>89</sup> However, the Committee remains concerned that in some cases this will still be insufficient to allow for the full integration of humanitarian entrants into Australian society.

### **Recommendation 54**

- 7.112 **The Committee recommends that the Department of Immigration and Multicultural Affairs monitor the use of English language tuition by humanitarian entrants and review the Adult Migrant Education Program to ensure that it meets the needs of humanitarian entrants.**

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88 Migrant Resource Centre of South Australia, *Submission No. 32*, p. 3.

89 For details, see DIMA, 'English Language Tuition for Adult Migrants', Fact sheet No. 94, <http://www.immi.gov.au/media/fact-sheets/94amep.htm> (accessed 24 July 2006).



- 7.113 The Committee also heard that mentoring programs are particularly valuable for humanitarian entrants.<sup>90</sup> *Given the Chance* is an example of such a mentoring program. The program is provided by the Brotherhood of St Laurence and includes a 12-week labour market course and work experience components.<sup>91</sup>
- 7.114 The Victorian Government, for example, provides funding to various not-for-profit organisations and community groups, through schemes such as Workplace Participation Partnerships, Community Enterprise Grants and the Community Support – Strengthening Communities program, to assist the employment of migrants and humanitarian entrants.<sup>92</sup>
- 7.115 The Committee acknowledges the value of mentoring programs, particularly for humanitarian entrants, and commends state governments for funding these initiatives through various community grants schemes.<sup>93</sup> The Committee encourages governments to support employment related mentoring programs targeting humanitarian entrants.

## Document and identity fraud

- 7.116 While a detailed examination of the extent to which there is document and identity fraud in the skilled migration program is beyond the scope of this report, the Committee did receive some evidence in this area. DIMA, for example, stated:

We do look out for fraud in this area very carefully. We do identify people who have put forward documents purporting that they have various skills which we do checks on and find they are not what they said they were. It does happen. I believe we are quite effective at identifying those, but that is

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90 Ms Howell, Migrant Employment and Training Taskforce, and Ms Rice, Migrant Employment and Training Taskforce, *Transcript of Evidence*, 23 November 2005, p. 26.

91 Brotherhood of St Laurence, *Submission No. 23*, pp. 4-5. For an overview of other mentoring programs and related issues, see *Exhibit No. 53*.

92 See Department of Victorian Communities website, <http://www.grants.dvc.vic.gov.au> (accessed 17 July 2005).

93 The Committee is aware that DIMA is considering expanding its Settlement Grants program to include employment mentoring. See speech by Hon Andrew Robb, AO, MP, Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs, *Change in Culture*, at the Victorian Immigration and Settlement Conference, Melbourne, 19 July 2006.

not to say a very small percentage may not be getting through in that way.<sup>94</sup>

7.117 In terms of the capabilities of assessing authorities to detect fraud, DIMA also commented:

We do work with all assessing bodies to try and mitigate fraud in their part of the process, but we do not actually conduct the investigations generally for those agencies. The exception to that is VETASSESS: DIMA and VETASSESS have an agreement whereby VETASSESS can refer documents to the immigration department. We will have them checked through our posts overseas or through our mechanisms and provide them with advice. Since that process has been in place, they have only made 92 referrals to us, which have resulted in one non-genuine document and five that could not be verified, while 62 have so far been found to be genuine.<sup>95</sup>

7.118 While the Committee notes these arrangements for VETASSESS and also is aware of the arrangements put in place by some assessment authorities such as the Australian Medical Council to prevent identity fraud,<sup>96</sup> it is concerned that other assessing bodies may not have the same capacity to implement fraud detection systems.

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### **Recommendation 55**

**7.119 The Committee recommends that the Departments of Immigration and Multicultural Affairs and Education, Science and Training review the current processes followed by assessing authorities to determine if further steps need to be taken to combat document and identity fraud.**

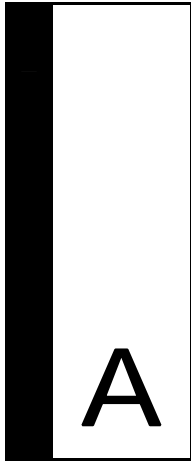
Don Randall MP  
Chair

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94 Mr Rizvi, DIMA, *Transcript of Evidence*, 5 September 2005, p. 14.

95 Mr Stewart, DIMA, *Transcript of Evidence*, 27 March 2006, p. 36.

96 See Mr Frank, AMC, *Transcript of Evidence*, 24 May 2006, pp. 14-15.



## Appendix A: List of submissions

### **Submission    Individual/organisation**

- |     |  |
|-----|--|
| 1   | Noel Hewitt Associates LLC   |
| 2   | Migrant Resource Centre North-West Region Inc and YES West Employment Services   |
| 3   | Centacare Cairns and Migrant Settlement Services                                 |
| 4   | Name withheld  |
| 5   | Australian Nursing and Midwifery Council   |
| 6   | Australian Pharmacy Examining Council Inc  |
| 7   | Immigration and Refugee Specialists Pty Ltd                                      |
| 8   | Australian Institute of Radiography  |
| 9   | Adult Multicultural Education Services   |
| 10  | Name withheld  |
| 11  | Construction Forestry Mining and Energy Union, Construction and General Division |
| 12  | Romar Consulting   |
| 13  | Multicultural Development Association  |
| 13a | Multicultural Development Association (supplementary)                            |
| 14  | Planning Institute Australia   |

- 15 Australasian Veterinary Boards Council Inc
- 16 Western Australian Government
- 17 Western Australian Skills Advisory Board
- 18 Migrant Employment and Training Taskforce
- 18a Migrant Employment and Training Taskforce  
(supplementary)
- 19 Australian Rural and Remote Workforce Agencies Group  
Limited
- 20 Western Australian Department of Education and Training
- 20a Western Australian Department of Education and Training  
(supplementary)
- 21 Dr Regine Wagner
- 22 Australian Library and Information Association
- 23 Brotherhood of St Laurence
- 24 Rail, Tram and Bus Union
- 25 Australian Divisions of General Practice Ltd
- 26 Newcomers Network
- 27 Osteopaths Registration Board
- 28 Service Industries Skills Council
- 29 Australian Dental Association Inc
- 29a Australian Dental Association Inc (supplementary)
- 30 Australian Maritime Consultancy Pty Ltd
- 31 Association of Consulting Engineers Australia
- 32 Migrant Resource Centre of South Australia
- 33 Ethnic Communities Council of Queensland Ltd
- 34 Migration Institute of Australia Ltd
- 35 Refugee Council of Australia
- 36 Architects Accreditation Council of Australia
- 37 Department of Health and Ageing

- 
- 38 Goldfields Esperance Development Commission
  - 39 CPA Australia
  - 40 VisAustralia
  - 41 Restaurant and Catering Australia
  - 42 Australian Dental Council
  - 43 Law Society of South Australia
  - 44 Australian Medical Council
  - 44a Australian Medical Council (supplementary)
  - 45 Australian Hotels Association
  - 46 Melbourne International Social Group
  - 47 Lieutenant Ben Genevieve, Royal Navy (RT)
  - 48 Mr Barry Parker
  - 49 Recruitment and Consulting Services Association Ltd
  - 50 Chamber of Commerce and Industry Western Australia
  - 51 Council on Chiropractic Education Australasia Inc
  - 51a Council on Chiropractic Education Australasia Inc (supplementary)
  - 52 Mr Scott Campbell
  - 53 National Electrical and Communications Association
  - 54 Migrant Network Services
  - 55 Australian Institute of Welfare and Community Workers Inc
  - 56 Australian Council of Trade Unions
  - 57 Mr Michael Pollard
  - 58 Ms Sally Hindmarch
  - 59 Mr Grant Spork
  - 60 Mr Grant Berry
  - 61 Australian Computer Society
  - 62 Centre for Adult Education
  - 63 Department of Employment and Workplace Relations

- 63a Department of Employment and Workplace Relations (supplementary)
- 63b Department of Employment and Workplace Relations (supplementary)
- 63c Department of Employment and Workplace Relations (supplementary)
- 63d Department of Employment and Workplace Relations (supplementary)
- 63e Department of Employment and Workplace Relations (supplementary)
- 64 Name withheld
- 64a Name withheld (supplementary)
- 65 ElectroComms and EnergyUtilities Industry
- 66 Name withheld
- 67 Name withheld
- 68 Australian Licensed Aircraft Engineers Association
- 69 Teachers Registration Board of South Australia
- 70 Mr Pablo Contreras
- 70a Mr Pablo Contreras (supplementary)
- 71 Department of Foreign Affairs and Trade
- 71a Department of Foreign Affairs and Trade (supplementary)
- 72 Mr Neil McKellar
- 73 Mr Bob Messenger
- 74 Name withheld
- 75 Mr Martin Vesely
- 76 Engineers Australia
- 77 Tasmanian Government
- 77a Tasmanian Government (supplementary)
- 78 Ms Norma Rampant
- 79 Mr Daniel Jaggs

- 
- 80 Department of Immigration and Multicultural Affairs  
(formerly known as Department of Immigration and  
Multicultural and Indigenous Affairs)
  - 80a Department of Immigration and Multicultural Affairs  
(supplementary)
  - 80b Department of Immigration and Multicultural Affairs  
(supplementary)
  - 81 Dr Peter Mulrooney
  - 82 Immigration Lawyers Association of Australasia
  - 83 Queensland Government
  - 84 New South Wales Government
  - 84a New South Wales Government (supplementary)
  - 85 Global Recognition Agency Limited
  - 86 Vocational Education Training and Assessment Services
  - 87 Communications, Electrical, Electronic, Energy, Postal,  
Plumbing and Allied Workers Union of Australia, Electrical  
Division
  - 88 Pivot Point Australia
  - 89 Victorian Automobile Chamber of Commerce
  - 90 Australian Trucking Association
  - 91 Department of Education, Science and Training
  - 91a Department of Education, Science and Training  
(supplementary)
  - 91b Department of Education, Science and Training  
(supplementary)
  - 91c Department of Education, Science and Training  
(supplementary)
  - 92 Imelda Argel and Associates
  - 93 Northern Territory Government
  - 94 South Australian Government
  - 94a South Australian Government (supplementary)

- 95 Australian Entertainment Industry Association
- 96 Warnborough College/Warnborough University
- 97 Name withheld
- 98 CONFIDENTIAL
- 99 South Metropolitan Migrant Resource Centre, Western Australia
- 100 Victorian Government
- 101 Dr Val Colic-Peisker
- 102 Australian Institute of Medical Scientists
- 103 CONFIDENTIAL
- 104 Western Australia Department of Health
- 104a Western Australia Department of Health (supplementary)
- 105 Ms Emanuela Canini
- 106 Australian and New Zealand Society of Nuclear Medicine Inc
- 107 Mr Francis Vijay





## Appendix B: List of witnesses

### **Monday, 5 September 2005 – Canberra**

Department of Immigration and Multicultural Affairs (formerly known as Department of Immigration and Multicultural and Indigenous Affairs)

Mr Adam Abbas, Director, Productive Diversity Section, Citizenship and Multicultural Division

Ms Arja Keski-Nummi, Acting First Assistant Secretary, Migration and Temporary Entry Division

Mr Neil Mullenger, Director, Research and Statistics Section, Migration Branch

Ms Susan Pegg, Acting Director, Business Employment Section, Business Branch

Mr Abul Rizvi, Acting Deputy Secretary

Mr John Ryan, Director, Economic and Demographic Analysis Section, Migration Branch

Ms Jennifer Donnelly, Acting Director, Skilled Migration Section, Migration Branch

Department of Foreign Affairs and Trade

Mr Graeme Lade, Director, Malaysia, Brunei and Singapore Section, Maritime South-East Asia Branch

Ms Trudy Witbreuk, Director, Free Trade Agreement Commitments and Implementation Section, Office of Trade Negotiations

Mr Paul Wojciechowski, Director, Thailand, Vietnam and Laos Section

#### Department of Employment and Workplace Relations

Ms Jenet Connell, Group Manager, Workplace Relations Services

Mr Andried Jamonts, Director, Trades Recognition Australia

Mr Steve Kibble, Assistant Secretary, Workplace Services Branch

Mr Ivan Neville, Assistant Secretary, Labour Supply and Skills Branch

Ms Jane Press, Director, Migration Policy and Analysis Section

## **Monday, 14 November 2005 – Adelaide**

#### Northern Territory Government

Mrs Mary Cunningham, Director of Business and Skills Migration, Department of Business, Economic and Regional Development

#### South Australian Government

Ms Sally Jeremic, Executive Officer, Training and Skills Commission

Ms Fiona O'Connor, Director, Traineeship and Apprenticeship Services, Department of Further Education, Employment, Science and Technology

#### Migrant Resource Centre of South Australia

Ms Tina Karanastasis, Acting Executive Director

Mr Stanislaw Lewinski, Coordinator, Community Participation, Employment and Training

Dr Joseph Masika, Consultant

Dr Lillian Mwanri, Community Member

**Business SA**

Mr David Frith, Director, Workplace Policy and Business Services Development

Ms Karen Lablack, General Manager, Policy

Mr Nathan Paine, Senior Business Advocate

**Australian Refugee Association**

Dr Robert Deng, President, Sudanese Community Association

Mr Kevin Liston, Director

Mr Bol Ring Machar, Settlement Officer

Mr Hafez Zamani, Manager, Employment Services

**Tuesday, 15 November 2005 – Perth****Western Australian Skills Advisory Board**

Mr Gary Collins, Executive Director, Client Services, Chamber of Commerce and Industry, Western Australia

Mrs Claire English, Project Officer

Mr Christopher Fitzhardinge, Chair

Mr Warren Hill, Manager, Skills Migration Unit, Department of Industry and Resources

**Western Australian Department of Education and Training**

Ms Eileen Hull, Manager, Career Development Services

Mr Michael Jones, Research and Development Officer, Overseas Qualifications Unit

Mr Robert Player, Executive Director, Vocational Education and Training and Career Development

**South Metropolitan Migrant Resource Centre**

Ms Lynda Winter, Manager, Employment Services

**Goldfields Esperance Development Commission**

Ms Stephanie Fletcher, Acting Manager, Policy and Projects

**Individuals**

Dr Val Colic-Peisker

Mr Pablo Contreras

Dr Peter Mulrooney

Dr Farida Tilbury

Dr Abbie Wilson

**Wednesday, 23 November 2005 – Sydney**

**New South Wales Government**

Mr Richard Acheson, Director, Community Relations Service,  
Community Relations Commission for a Multicultural New South  
Wales

Mr Ian Kingsley, Director, Apprenticeships and Traineeships,  
Department of Education and Training

**Migrant Employment and Training Taskforce**

Ms Jennie Dunlop, Member

Ms Merryn Howell, Member

Ms Esther Rice, Member

Ms Nicole Schlederer, Co-Convenor

Mrs Cheryl Webster, Member

**Migrant Network Services (Northern Sydney) Ltd**

Ms Sue Maddrell, General Manager

Mrs Johanna Mestanza, Community Settlement Services Worker

**Migration Institute of Australia Ltd**

Mrs Jaleh Johannessen, Member

Mr David Mawson, Chief Executive Officer

Mr Mark Webster, NSW Vice President

**Absolute Immigration Services**

Mr Jamie Lingham, Managing Director

**University of Western Sydney**

Mr Simon Hare, Coordinator, Skills and Experience Assessment and Development Unit

Dr Regine Wagner, Centre for Learning and Social Transformation

**Australian Dental Association Inc**

Mr Robert Boyd-Boland, Chief Executive Officer

**Restaurant and Catering Australia**

Mr John Hart, Chief Executive Officer

**Australian Computer Society**

Mr Philip Argy, National Vice President

**Communications, Electrical, Electronic, Energy, Postal, Plumbing and Allied Workers Union of Australia, Electrical Division**

Mr Peter Tighe, National Secretary

**Construction Forestry Mining and Energy Union, Construction and General Division**

Mr Stuart Maxwell, National Industrial Officer

**Individuals**

Ms Bushra Shoukat

## **Thursday, 24 November 2005 – Melbourne**

### **Victorian Government**

Ms Irene Tkalcevic, Manager, Skilled Migration Program, Department for Victorian Communities

Mr Stephen Ward, Acting Director, Employment Programs, Department for Victorian Communities

### **Vocational Education Training and Assessment Services**

Ms Karen Berkley, Executive Director

Mr Barry Parker, Manager, Qualification Assessment Service

### **Adult Multicultural Education Services**

Mr Michael Cox, General Manager, Education

Mr Brian Paterson, Chief Executive Officer

Ms Heather Weaver, Coordinator, Youth Services

### **CPA Australia**

Ms Franceyne Hurley, Qualifications Assessment Unit Team Leader

Mrs Ann Johns, Director, Education

Ms Hayley Nicholls, Manager, Accreditation and Research

### **Australian Council of Trade Unions**

Ms Sharan Burrow, President

Ms Alison Tate, International Officer

### **Australian and New Zealand College of Anaesthetists**

Ms Jillian Humphreys, Executive Officer, Professional Areas

Emeritus Professor Garry Phillips, Director, Professional Affairs and Past President

**Victorian Automobile Chamber of Commerce**

Mr Kevin Redfern, General Manager, Industrial Relations and Training

Ms Leyla Yilmaz, Manager, Industrial Relations

**Australian Institute of Radiography**

Mr Emile Badawy, Executive Officer

Mr Stuart Hamilton, President

**Australasian Veterinary Boards Council Inc**

Dr Leigh Coghlan, Deputy Chairman

Dr Julie Strous, Executive Officer

Professor Virginia Studdert, Member, Board of Examiners

Miss Margaret Wilson, Registrar, Veterinary Practitioners Registration Board of Victoria

**Best Start**

Mr Steven Kamala Baskaran, Director, System Information

Mr Robert Messenger, Director

**Monday, 27 February 2006 – Canberra****Tasmanian Government**

Mrs Lyn Andersch, Manager, Multicultural Tasmania

Ms Susan Hunt, Executive Officer, Overseas Qualifications, Tasmanian Qualifications Authority

Ms Patricia McCullough, Manager, Industry, Development and Innovation, Department of Education

Mr Anthony McHugh, Project Manager, Business and Skilled Migration, Department of Economic Development

Ms Miranda Sonners, Acting Manager, Equity and Youth Strategies,  
Department of Education

#### Department of Health and Ageing

Ms Natasha Cole, Director, Education and Recognition Section,  
Overseas Trained Doctors Taskforce

Ms Alison Larkins, Assistant Secretary, Health Workforce Branch

Ms Margaret Lyons, First Assistant Secretary, Health Services  
Improvement Division

Ms Kelly Taber, Acting Director, Overseas Trained Doctors Taskforce

#### Engineers Australia

Mr Paul Gillespie, Associate Director, Overseas Qualifications  
Assessment

Ms Kathryn Hurford, Associate Director, Public Policy

Mr Andre Kaspura, Policy Analyst, International and National Policy  
Directorate

Mr Peter Taylor, Chief Executive

#### Australian Council of Physiotherapy Regulating Authorities Ltd

Ms Margaret Grant, Chief Executive Officer

Ms Catherine Nall, National President, Australian Physiotherapy  
Association

### **Thursday, 9 March 2006 – Brisbane**

#### Global Recognition Agency Pty Ltd

Ms Robyn Batty, Chairperson

Mr Ian Morris, Executive Director

#### Council on Chiropractic Education Australasia Inc

Ms Debby Ramsay, Executive Officer



**Multicultural Development Association Inc**

Ms Behice Bagdas, Employment and Training Coordinator

Ms Lyn Ellison, Assistant Director, Organisational Development

**Ethnic Communities Council of Queensland**

Mr Ian Muil, Executive Officer

**Migrant Settlement Services Cairns**

Mr Graeme Skilbeck, Training and Placement Officer

**Queensland Department of Employment and Training**

Ms Sandra Arrol, Director, Community Employment Programs

Mr Rodney Arthur, General Manager, Training, Quality and Regulation

Ms Barbara Rogers, Manager, Skills Recognition Training, Quality and Regulation

**Monday, 27 March 2006 – Canberra****Department of Employment and Workplace Relations**

Ms Jenet Connell, Group Manager, Workplace Relations Services

Mr Andried Jamonts, Director, Trades Recognition Australia

Mr Peter Kontis, Director, Compliance, Office of Workplace Services

Ms Jane Press, Director, Migration Policy and Analysis Section

Mr Stewart Thomas, Assistant Secretary, Workplace Programs Branch

**Department of Education, Science and Training**

Dr Evan Arthur, Acting Group Manager, Innovation and Research Systems Group

Dr Anne Byrne, Manager, Skills Analysis and Research Strategy Branch

Mr Gregory Cox, Manager, International Policy and Recognition Branch

Dr Wendy Jarvie, Deputy Secretary

Mr Tony Zanderigo, Director, COAG Skills Recognition Taskforce

#### Department of Immigration and Multicultural Affairs

Mr James Fox, First Assistant Secretary, Migration and Temporary Entry Division

Ms Jennifer Donnelly, Assistant Director, Skilled Migration Section, Migration Branch

Ms Jacqueline Hickman, Assistant Secretary, Delivery Innovation Branch

Mr Gregory Mills, Assistant Secretary, Migration Branch

Mr Peter Speldewinde, Director, Skilled Migration Section

Mr David Stewart, Director, Compliance, Integrity and Offshore Students

### **Thursday, 20 April 2006 – Perth**

#### Individuals

Ms Emanuela Canini

Mr Angelo Daniele

#### Western Australian Department of Health

Ms Diane Mantell, Principal Nursing Advisor, Workforce

#### Chamber of Minerals and Energy, Western Australia

Ms Claire Thomas, Executive Officer, Minerals Institute

**Western Australian Local Government Association**

Ms Ricky Burges, Chief Executive Officer

Mrs Lydia Highfield, Recruitment and Selection Consultant

Mr Simon White, Employee Relations Service Manager

**Western Australian Department of Education and Training Government**

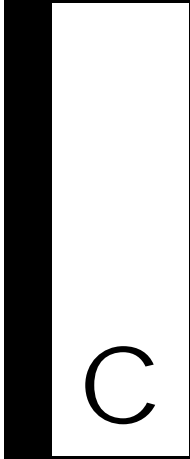
Mrs Norma Jeffery, Acting Executive Director, Policy, Planning and Accountability

Mr Michael Jones, Acting Manager, Overseas Qualifications Unit

**Wednesday 24 May 2006 – Canberra****Australian Medical Council**

Mr Ian Frank, Chief Executive Officer





## Appendix C: List of exhibits

### **Exhibit No.     Details**

- 1     Australian Nursing Council, *Competency Based Assessment Programs for Overseas Nurses*, May 2004 (related to *Submission No. 5*)
  
- 2     Letter of the month (Using skills) June 2005, *Charter Magazine*, Institute of Chartered Accountants in Australia, Personal letter from Lindsay Bridgland
  
- 3     Australian Pharmacy Examining Council Inc, *Pharmacy Candidates' Information Handbook*, June 2005 (related to *Submission No. 6*)
  
- 4     Planning Institute Australia, *Findings and Recommendations of the National Inquiry into Planning Education and Employment*, August 2004 (related to *Submission No. 14*)
  
- 5     Western Australian Department of Education, 'Does society reflect what happens in our schools or do schools reflect what happens in society?' *Workbook for Good Practice Regarding the Placement of Overseas-Trained Teachers* (related to *Submission No. 20*)

- 6 Wagner, R. (ed) *Recognition of Prior Learning in Higher Education and the Australian Labour Market: The Case of Skilled Migrants and Refugees*, University of Western Sydney, July 2003 (related to *Submission No. 21*)
- 7 Victorian Settlement Planning Committee's Inter-Agency Working Group on Overseas Skills Recognition, *Discussion Paper on 'Access to Recognition Services for Migrants with Overseas Professional and Trade Qualifications'*, August 2004
- 8 CPA Australia, *Migration and the Accounting Profession in Australia*, Report prepared for CPA Australia by Dr Bob Birrell and Virginia Rapson, May 2005 (related to *Submission No. 39*)
- 9 VisAustralia International, *Correspondence related to Case Studies 1-7* (related to *Submission No. 40*)
- 10 Colic-Peisker, V. and Tilbury, V. *Refugees and Employment: The Effects of Visible Difference on Discrimination, Interim Report*, Centre for Social and Community Research, Murdoch University, August 2005
- 11 Australian Medical Council, *Tables Relating to AMC Examination Processes* (related to *Submission No. 44*)
- 12 *Recommendations of the Senate Inquiry into Australian Expatriates* (related to *Submission No. 46*)
- 13 Migrant Network Services (Northern Sydney) Ltd, *Skilled Migrant Employment Issues: Pilot Project Proposal*, January 2004 (related to *Submission No. 54*)
- 14 Department of Foreign Affairs and Trade, 'Guidelines for recognition of Singapore and Australian law degrees under SAFTA' (related to *Submission No. 71*)
- 15 Parliament of Australia, Parliamentary Library, 'Australia's Migration Program, Research Note', 10 May 2005 (related to *Submission No. 72*)

- 16 Newcomers Network, *Newcomers Network Pre-Departure Jobs Kit* (related to *Submission No. 26*)
- 17 Department of Immigration and Multicultural and Indigenous Affairs, *General Skilled Program, Part 3: Points Test and Self-Assessment* (related to *Submission No. 80*)
- 18 Dr Peter Mulrooney, *Curriculum Vitae* (related to *Submission No. 81*)
- 19 New South Wales Government, Appendices 1-15 to submission (related to *Submission No. 84*)
- 20 Pivot Point Australia, Correspondence from Service Skills Victoria regarding Job Hours for Hairdressing (related to *Submission No. 88*)
- 21 Skills Matching Application:  
<http://www.skillsmatching.immi.gov.au/skillmatch/viewUnknownApplication.do> (related to motor mechanic position) (related to *Submission No. 89*)
- 22 Australian Refugee Association Inc, *Australian Refugee Association 1975-2005: 30 Years of Experience*, June 2005
- 23 Australian Refugee Association, *Australian Refugee Association: Helping Refugees, Transforming Lives* (Brochure)
- 24 *Amendments to UAC: Further information about TRA Skilled Pathway 'E' requirements* (related to *Submission No. 92*)
- 25 *PRC – Passing Percentages: PRC Facts and Figures* (related to *Submission No. 92*)
- 26 Applicants' Guide to the Application Assessment and Audit ('AAA') Sheet, Trades Recognition Australia (related to *Submission No. 92*)
- 27 Trades Recognition Australia, Application Assessment and Audit Sheet (related to *Submission No. 92*)

- 28 Trades Recognition Australia: *Uniform Assessment Criteria*, July 2005 (related to *Submission No. 92*)
- 29 Council on Chiropractic Education Australasia Inc, *Stage 1 – Modified Desktop Audit Non-CCE Accredited, Form A001: Application for recognition of chiropractic qualifications and eligibility to undertake practical clinical competency in Australia*, March 2005 (related to *Submission No. 51*)
- 30 Council on Chiropractic Education Australasia Inc, *Competency Based Standards for Entry Level Chiropractors*, August 2003 (related to *Submission No. 51*)
- 31 Council on Chiropractic Education Australasia Inc, *Sample Questions – Written Basic Competency* (related to *Submission No. 51*)
- 32 Council on Chiropractic Education Australasia Inc, *Sample Questions: Written Clinical Competency* (related to *Submission No. 51*)
- 33 Council on Chiropractic Education Australasia Inc, *Candidate Guide: Suitability for Migration and Eligibility to Apply to Practise as a Chiropractor in Australia: Evaluation Process*, July 2004 (related to *Submission No. 51*)
- 34 Western Australian Department of Education and Training, *Overseas Qualifications Unit Proposed Skills Shortage Project: to Identify Good Practice Skills Recognition Pathways for Migrants with a Trade Skills Background, Draft Discussion Paper*, June 2005 (related to *Submission No. 20*)
- 35 ANTA and Stara Good Practice Project, *FEAST: Ingredients for Good Practice in Assessment and Training*, 1999 (related to *Submission No. 20*)
- 36 Western Australian Department of Education and Training, *Pilot Project: Child Care Qualifications Assessment Process*, (related to *Submission No. 20*)
- 37 Western Australian Department of Education, 'Teach your children well, You who are on the road must have a code that you can live by', *Good Practice Initiatives in the Recruitment and*



- Placement of Overseas Trained Teachers* (related to *Submission No. 20*)
- 38 Dr Peter Mulrooney, Items of correspondence relating to Dr Mulrooney's application for qualification recognition with Australian and New Zealand College of Anaesthetists (related to *Submission No. 81*)
- 39 Migrant Resource Centre of South Australia, *Migrant Resource Centre of South Australia: 2004-05 Annual Report* (related to *Submission No. 32*)
- 40 Western Australian Department of Education and Training, *Career Development Services: Learning, Working, Living* (related to *Submission No. 20*)
- 41 Australian Computer Society, *Policy Statement on Migration*, April 2005 (relates to *Submission No. 61*)
- 42 *Process flowchart for an electrician seeking to migrate to Australia*, provided by Ms S Fletcher, Goldfields Esperance Development Commission (related to *Submission No. 38*)
- 43 Australian and New Zealand College of Anaesthetists, *Anaesthesia Services for Areas of Need in Australia*, February 2003
- 44 Australian and New Zealand College of Anaesthetists, *Overseas Trained Specialists Assessment Process*, October 2003
- 45 Australian and New Zealand College of Anaesthetists, *Accreditation Submission to the Australian Medical Council*, Volume 1, Submission April 2002
- 46 Australasian Veterinary Boards Council Inc, *About AVBC* (related to *Submission No. 15*)
- 47 Messenger, B. and Kamala Baskaran, S. *Welcome Aus.Com, made by migrants for migrants* (copy of presentation) (related to *Submission No. 73*)
- 48 CONFIDENTIAL

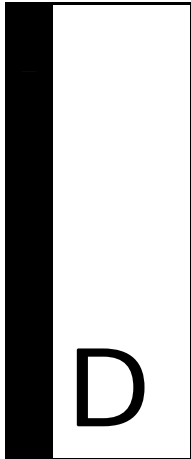
- 49 CONFIDENTIAL
- 50 Wagner, R. and Hare, S. *So Dentists Become Taxi Drivers*, presentation to the Joint Standing Committee on Migration, 23 November 2005 (related to *Submission No. 21*)
- 51 Richardson, Professor S. *The Most Recent Migrant Experience: Evaluation of General Skilled Migration*, presentation at Parliament House, 7 November 2005 (provided by VETASSESS)
- 52 Johne, M. *Immigrants get help finding employment*, information about the Canadian mentoring project and website, July 2002, provided by Migrant Employment and Training Taskforce
- 53 Refugee Council of Australia, *Australian Mentoring Programs for Refugee and Humanitarian Entrants*, May 2005 (provided by Migrant Employment and Training Taskforce)
- 54 Carr, J. *Refugee Employment programs, in particular those using mentoring*, Churchill Study Tour Report, January 2005 (provided by Migrant Employment and Training Taskforce)
- 55 Ecumenical Migration Centre, Brotherhood of St Laurence, *Refugees in the labour market: Looking for cost-effective models of assistance*, September 2004 (provided by Migrant Employment and Training Taskforce)
- 56 Equal Employment Opportunity Network of Australia, 2005 *Australasian Diversity and Equality Survey: Moving Ahead on Equality and Diversity, Final Report*, July 2005 (related to *Submission No. 18*)
- 57 Construction Forestry Mining and Energy Union, Construction and General Division, *Apprentices: Building Australia's Future – The CFMEU's 10 point plan to reduce skill shortages*, November 2005
- 58 Australian Institute of Radiography, *Guidelines for Assessment of Medical Radiation Science Qualifications Gained Outside Australia*, August 2004

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- 59 Department of Immigration and Multicultural and Indigenous Affairs, *State Specific and Regional Migration Mechanisms* (provided by Business SA)
- 60 Migration Institute of Australia, *Migration Agents: Who are They?* Presentation by Brian Jones, SA Branch President (provided by Business SA)
- 61 Business SA, 'Population and Prosperity: Creating new opportunities for South Australian business through skilled and business migration', *International Business Week*, 2005
- 62 Sunny Yang, Acting Director, Department of Trade and Economic Development, 'Presentation to IBW Business SA Seminar'
- 63 Business SA, 'Population seminar to educate business about migration' (media release, August 2005)
- 64 *Humanitarian/Refugee Entrant Job Seeker Pilot Project*, May 2005 (provided by the Migrant Employment and Training Taskforce)
- 65 *The Race to Qualify: Report of the Committee for the Review of Practices for the Employment of Medical Practitioners in the NSW Health System*, October 1998
- 66 *TRA – Trade Classifications Assessed*, December 2005 (provided by Adult Multicultural Education Services)
- 67 *Which Industries (occupations) are covered by the Competency Assessment Service?* (provided by Adult Multicultural Education Services)
- 68 Australian Council of Physiotherapy Regulating Authorities Ltd, *Information regarding ACOPRA*
- 69 Australian Council of Physiotherapy Regulating Authorities Ltd, *Report following September 2005 Written Examination*
- 70 Australian Council of Physiotherapy Regulating Authorities Ltd, *Assessment Process – Frequently Asked Questions*

- 71 Australian Council of Physiotherapy Regulating Authorities Ltd, *The Assessment Process for Overseas Qualified Physiotherapists*
- 72 Australian Council of Physiotherapy Regulating Authorities Ltd, *Physiotherapy in Australia*
- 73 Australian Council of Physiotherapy Regulating Authorities Ltd, *Assessment of Overseas Physiotherapists 2005 Report*
- 74 Australian Council of Physiotherapy Regulating Authorities Ltd, ACOPRA letter to the editor, *The Sunday Times* (Perth), dated 5 December 2005
- 75 Queensland Government *Submission to the Productivity Commission report on Australia's Health Workforce*, November 2005
- 76 Migrant Settlement Services, *Migrant Employment Service* (brochure)
- 77 Migrant Settlement Services, *Migrant Settlement Services: Helping Migrants Make Australia Home* (brochure)
- 78 Queensland Department of Employment and Training, *Queensland Skills Plan*
- 79 Filipino Migrants Forum, 'Is your school listed in the "Philippines country education profile?"' and copy of the resolutions passed by FILCCA (related to *Submission No. 92*)
- 80 Tasmanian Department of Education, Office of Youth Affairs, 'Ready, Willing and Able', *State of Our Youth: Young people from culturally and linguistically diverse backgrounds*, December 2005 (related to *Submission No. 77a*)
- 81 Kortman, B. and May, E. 'Enabling model for assessing overseas trained occupational therapists seeking work in Australia', *Australian Occupational Therapy Journal*, 52, pp. 251-56, 2005 (provided by Council of Occupational Therapists Registration Boards (Australia and New Zealand) Inc)

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- 82 CONFIDENTIAL
- 83 CONFIDENTIAL
- 84 Australian and New Zealand Society of Nuclear Medicine Inc, *Application for Assessment of Eligibility to Undertake the Australian and New Zealand Society of Nuclear Medicine Overseas Qualification Assessment Exam in Nuclear Medicine Technology* (related to Submission No. 106)
- 85 Chapman, E. *Skills Recognition and Upgrading: Australia, Canada and Singapore* (paper prepared during a placement under the Australian National Internship Program), May 2006
- 86 CONFIDENTIAL





## Appendix D: Visa classes and subclasses<sup>1</sup>

### **Part 1          Permanent visas**

#### **1104AA. Business Skills — Business Talent (Migrant) (Class EA)**

Subclasses:

132 (Business Talent)

#### **1104A. Business Skills — Established Business (Residence) (Class BH)**

Subclasses:

845 (Established Business in Australia)

846 (State/Territory Sponsored Regional Established Business in Australia)

#### **1104B. Business Skills (Residence) (Class DF)**

Subclasses:

890 (Business Owner)

891 (Investor)

892 (State/Territory Sponsored Business Owner)

893 (State/Territory Sponsored Investor)

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<sup>1</sup> Migration Regulations 1994 - Schedule 1, including amendments up to July 2006, [http://www.austlii.edu.au/au/legis/cth/consol\\_reg/mr1994227/sch1.html](http://www.austlii.edu.au/au/legis/cth/consol_reg/mr1994227/sch1.html) (accessed 15 August 2006).

**1108. Child (Migrant) (Class AH)**

Subclasses:

- 101 (Child)
- 102 (Adoption)
- 117 (Orphan Relative)

**1108A. Child (Residence) (Class BT)**

Subclasses:

- 802 (Child)
- 837 (Orphan Relative)

**1111. Confirmatory (Residence) (Class AK)**

Subclasses:

- 808 (Confirmatory)

**1111A. Designated Parent (Migrant) (Class BY)**

Subclasses:

- 118 (Designated Parent)

**1111B. Designated Parent (Residence) (Class BZ)**

Subclasses:

- 859 (Designated Parent)

**1112. Distinguished Talent (Migrant) (Class AL)**

Subclasses:

- 124 (Distinguished Talent)

**1113. Distinguished Talent (Residence) (Class BX)**

Subclasses:

- 858 (Distinguished Talent)

**1114. Employer Nomination (Migrant) (Class AN)**

Subclasses:

- 119 (Regional Sponsored Migration Scheme)
- 121 (Employer Nomination Scheme)



**1114A. Employer Nomination (Residence) (Class BW)**

Subclasses:

- 856 (Employer Nomination Scheme)
- 857 (Regional Sponsored Migration Scheme)

**1118A. Special Eligibility (Class CB)**

Subclasses:

- 151 (Former Resident)

**1120. Independent (Migrant) (Class AT)**

Subclasses:

- 126 (Independent)
- 135 (State/Territory-Nominated Independent)

**1121. Labour Agreement (Migrant) (Class AU)**

Subclasses:

- 120 (Labour Agreement)

**1121A. Labour Agreement (Residence) (Class BV)**

Subclasses:

- 855 (Labour Agreement)

**1123. Norfolk Island Permanent Resident (Residence) (Class AW)**

Subclasses:

- 834 (Permanent Resident of Norfolk Island)

**1123A. Other Family (Migrant) (Class BO)**

Subclasses:

- 114 (Aged Dependent Relative)
- 115 (Remaining Relative)
- 116 (Carer)

**1123B. Other Family (Residence) (Class BU)**

Subclasses:

- 835 (Remaining Relative)
- 836 (Carer)
- 838 (Aged Dependent Relative)

**1124. Parent (Migrant) (Class AX)**

Subclasses:

103 (Parent)

**1124A. Aged Parent (Residence) (Class BP)**

Subclasses:

804 (Aged Parent)

**1124B. Partner (Residence) (Class BS)**

Subclasses:

801 (Spouse)

814 (Interdependency)

**1127A. Resolution of Status (Residence) (Class BL)**

Subclasses:

851 (Resolution of Status)

**1128. Return (Residence) (Class BB)**

Subclasses:

155 (Five Year Resident Return)

157 (Three Month Resident Return)

**1128AA. Skill Matching (Migrant) (Class BR)**

Subclasses:

134 (Skill Matching)

**1128A. Skilled — Australian Linked (Migrant) (Class AJ)**

Subclasses:

105 (Skilled – Australian Linked)

106 (Regional Linked)

**1128B. Skilled — Australian-sponsored (Migrant) (Class BQ)**

Subclasses:

138 (Skilled – Australian-sponsored)

139 (Skilled – Designated Area-sponsored)

**1128BA. Skilled — Australian-sponsored Overseas Student (Residence) (Class DE)**

Subclasses:

- 881 (Skilled — Australian-sponsored Overseas Student)
- 882 (Skilled — Designated Area-sponsored Overseas Student)

**1128C. Skilled — Independent (Migrant) (Class BN)**

Subclasses:

- 136 (Skilled – Independent)
- 137 (Skilled – State/Territory-nominated Independent)

**1128CA. Skilled — Independent Overseas Student (Residence) (Class DD)**

Subclasses:

- 880 (Skilled — Independent Overseas Student)

**1128D. Skilled — New Zealand Citizen (Residence) (Class DB)**

Subclasses:

- 861 (Skilled — Onshore Independent New Zealand Citizen)
- 862 (Skilled — Onshore Australian-sponsored New Zealand Citizen)
- 863 (Skilled — Onshore Designated Area-sponsored New Zealand Citizen)

**1129. Partner (Migrant) (Class BC)**

Subclasses:

- 100 (Spouse)
- 110 (Interdependency)

**1130. Contributory Parent (Migrant) (Class CA)**

Subclasses:

- 143 (Contributory Parent)

**1130A. Contributory Aged Parent (Residence) (Class DG)**

Subclasses:

- 800 (Territorial Asylum)

**1133. Witness Protection (Trafficking) (Permanent) (Class DH)**

Subclasses:

852 (Witness Protection (Trafficking) (Permanent))

**1134. Skilled — Designated Area-sponsored (Residence) (Class CC)**

Subclasses:

883 (Skilled — Designated Area-sponsored (Residence))

**Part 2 Temporary visas (other than bridging visas)****1201. Border (Temporary) (Class TA)**

Subclasses:

773 (Border)

**1202A. Business Skills (Provisional) (Class UR)**

Subclasses:

160 (Business Owner (Provisional))

161 (Senior Executive (Provisional))

162 (Investor (Provisional))

163 (State/Territory Sponsored Business Owner (Provisional))

164 (State/Territory Sponsored Senior Executive (Provisional))

165 (State/Territory Sponsored Investor (Provisional))

**1205. Cultural/Social (Temporary) (Class TE)**

Subclasses:

411 (Exchange)

416 (Special Program)

420 (Entertainment)

421 (Sport)

423 (Media and Film Staff)

428 (Religious Worker)

**1206. Diplomatic (Temporary) (Class TF)**

Subclasses:

995 (Diplomatic (Temporary))

**1207. Domestic Worker (Temporary) (Class TG)**

Subclasses:

- 426 (Domestic Worker (Temporary) — Diplomatic or Consular)
- 427 (Domestic Worker (Temporary) — Executive)

**1208. Educational (Temporary) (Class TH)**

Subclasses:

- 415 (Foreign Government Agency)
- 418 (Educational)
- 419 (Visiting Academic)
- 442 (Occupational Trainee)

**1208A. Electronic Travel Authority (Class UD)**

Subclasses:

- 956 (Electronic Travel Authority (Business Entrant — Long Validity))
- 976 (Electronic Travel Authority (Visitor))
- 977 (Electronic Travel Authority (Business Entrant — Short Validity))

**1209. Emergency (Temporary) (Class TI)**

Subclasses:

- 302 (Emergency (Permanent Visa Applicant))
- 303 (Emergency (Temporary Visa Applicant))

**1211. Extended Eligibility (Temporary) (Class TK)**

Subclasses:

- 445 (Dependent Child)

**1212A. Graduate — Skilled (Temporary) (Class UQ)**

Subclasses:

- 497 (Graduate — Skilled)

**1212B. Investor Retirement (Class UY)**

Subclasses:

- 405 (Investor Retirement)

**1214AA. Medical Practitioner (Temporary) (Class UE)**

Subclasses:

422 (Medical Practitioner)

**1214A. Medical Treatment (Visitor) (Class UB)**

Subclasses:

675 (Medical Treatment (Short Stay))

685 (Medical Treatment (Long Stay))

**1214BA. New Zealand Citizen Family Relationship (Temporary)  
(Class UP)**

Subclasses:

461 New Zealand Citizen Family Relationship (Temporary))

**1214C. Partner (Temporary) (Class UK)**

Subclasses:

820 (Spouse)

826 (Interdependency)

**1215. Prospective Marriage (Temporary) (Class TO)**

Subclasses:

300 (Prospective Marriage)

**1216. Resident Return (Temporary) (Class TP)**

Subclasses:

159 (Provisional Resident Return)

**1216A. Resolution of Status (Temporary) (Class UH)**

Subclasses:

450 (Resolution of Status — Family Member (Temporary))

850 (Resolution of Status (Temporary))

**1217. Retirement (Temporary) (Class TQ)**

Subclasses:

410 (Retirement)

**1217AA. Return Pending (Temporary) (Class VA)**

Subclasses:

695 (Return Pending)

**1217A. Sponsored (Visitor) (Class UL)**

Subclasses:

459 (Sponsored Business Visitor (Short Stay))

679 (Sponsored Family Visitor)

**1218. Tourist (Class TR)**

Subclasses:

676 (Tourist)

**1218A. Skilled — Independent Regional (Provisional) (Class UX)**

Subclasses:

495 (Skilled — Independent Regional (Provisional))

**1219. Special Category (Temporary) (Class TY)**

Subclasses:

444 (Special Category)

**1220A. Partner (Provisional) (Class UF)**

Subclasses:

309 (Spouse (Provisional))

310 (Interdependency (Provisional))

**1220B. Sponsored Training (Temporary) (Class UV)**

Subclasses:

470 (Professional Development)

471 (Trade Skills Training)

**1221. Contributory Parent (Temporary) (Class UT)**

Subclasses:

173 (Contributory Parent (Temporary))

**1221A. Contributory Aged Parent (Temporary) (Class UU)**

Subclasses:

884 (Contributory Aged Parent (Temporary))

**1222. Student (Temporary) (Class TU)**

Subclasses:

570 Independent ELICOS Sector  
571 Schools Sector  
572 Vocational Education and Training Sector  
573 Higher Education Sector  
574 Postgraduate Research Sector  
575 Non-Award Sector  
576 AusAID or Defence Sector  
580 Student Guardian

**1223A. Temporary Business Entry (Class UC)**

Subclasses:

456 (Business (Short Stay))  
457 (Business (Long Stay)).

**1223B. Temporary Safe Haven (Class UJ)**

Subclasses:

448 (Kosovar Safe Haven (Temporary))  
449 (Humanitarian Stay (Temporary))

**1223C. Temporary (Humanitarian Concern) (Class UO)**

Subclasses:

786 (Temporary (Humanitarian Concern))

**1224. Transit (Temporary) (Class TX)**

Subclasses:

771 (Transit)

**1224AA. Witness Protection (Trafficking) (Temporary) (Class UM)**

Subclasses:

787 (Witness Protection (Trafficking) (Temporary))



**1224A. Work and Holiday (Temporary) (Class US)**

Subclasses:

462 (Work and Holiday)

**1225. Working Holiday (Temporary) (Class TZ)**

Subclasses:

417 (Working Holiday)

**1226. Skilled — Designated Area-sponsored (Provisional) (Class UZ)**

Subclasses:

496 (Skilled — Designated Area-sponsored (Provisional))

**Part 3 Bridging visas****1301. Bridging A (Class WA)**

Subclasses:

010 (Bridging A)

**1302. Bridging B (Class WB)**

Subclasses:

020 (Bridging B)

**1303. Bridging C (Class WC)**

Subclasses:

030 (Bridging C)

**1304. Bridging D (Class WD)**

Subclasses:

040 (Bridging (Prospective Applicant))

041 (Bridging (Non-applicant))

**1305. Bridging E (Class WE)**

Subclasses:

050 (Bridging (General))

051 (Bridging (Protection Visa Applicant))

**1306. Bridging F (Class WF)**

Subclasses:

060 (Bridging F)

**1307. Bridging R (Class WR)**

Subclasses:

070 (Bridging (Removal Pending))

**Part 4 Protection, Refugee and Humanitarian visas****1401. Protection (Class XA)**

Subclasses:

785 (Temporary Protection)

866 (Protection)

**1402. Refugee and Humanitarian (Class XB)**

Subclasses:

200 (Refugee)

201 (In-country Special Humanitarian)

202 (Global Special Humanitarian)

203 (Emergency Rescue)

204 (Woman at Risk)

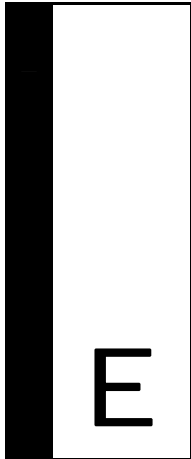
447 (Secondary Movement Offshore Entry (Temporary))

451 (Secondary Movement Relocation (Temporary))

**1403. Protection (Class XC)**

Subclasses:

785 (Temporary Protection)



## Appendix E: Comparison of ASRI and AEI-NOOSR websites: physiotherapy

### **ASRI**

#### **Physiotherapist 2385-11<sup>1</sup>**

On this page

- Job description
- Similar occupations
- Skill level
- Skills assessment authority
- Licensing or registration requirements
- Additional training
- Industry association memberships

#### **Job description**

Assesses, treats and prevents disorders in human movement caused by injury or disease.

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<sup>1</sup> DIMA website, <http://www.immi.gov.au/asri/occupations/p/physiotherapist-2385-11.htm> (accessed 3 July 2006).

**Similar occupations**

Sports Physiotherapist.

**Skill level**

The entry requirement for this occupation is a bachelor degree or higher qualification. Registration or licensing is required.

**Skills assessment authority**

Before you can migrate to Australia as a skilled migrant you must have your skills assessed by the relevant national assessment authority. The assessment authority for your occupation is:

**Australian Council of Physiotherapy Regulating Authorities (ACOPRA)**

The Australian Council of Physiotherapy Regulating Authorities Limited (ACOPRA) assesses overseas-trained physiotherapists who wish to be registered to practise in Australia and is also responsible for the oversight of the Australian Standards for Physiotherapy.

If you have not completed an accredited entry-level physiotherapy degree at a university in Australia or New Zealand, or do not have a current practising certificate in Australia or New Zealand then you must undertake the ACOPRA assessment and examination process before being eligible to apply to register with one of the Australian state or territory Physiotherapists Registration Boards. You may find that other requirements for registration apply in some Australian states/territories. For further information please contact the authority below.

Australian Council of Physiotherapy Regulating Authorities Ltd  
PO Box 587

CANBERRA ACT 2601

AUSTRALIA

Telephone: 61 2 6262 6029

Fax: 61 2 6262 5284

Email: [acopra@acopra.com.au](mailto:acopra@acopra.com.au)

Website: <http://www.acopra.com.au>

Please note that ACOPRA is an assessing authority and is not responsible for registering physiotherapists. This is the function of the Physiotherapy Registration Board in each State/Territory. For more information contact the relevant State/Territory Board.

## Licensing or registration requirements

In many occupations you must be registered with or obtain a license from a local authority in the state or territory where you wish to practise your occupation. Select from the following state links to find out details of the local authority in your state.

### New South Wales

Registration is compulsory.

NSW Physiotherapists Registration Board

Level 2, 28-36 Foveaux St

Surry Hills NSW 2010

Postal Address:

PO Box K599

Haymarket NSW 1238

Telephone: 61 2 9219 0255

Fax: 61 2 9281 2030

Email: [physioreg@doh.health.nsw.gov.au](mailto:physioreg@doh.health.nsw.gov.au)

Website: <http://www.physioreg.health.nsw.gov.au>

### Victoria

Registration is compulsory.

Physiotherapists Registration Board of Victoria

Level 8, 525 Collins Street

Melbourne VIC 3000

Postal Address:

PO Box 248, Collins Street West

Melbourne VIC 8007

Telephone: 61 3 9286 1888

Fax: 61 3 9286 1880

Email: [registrar@physioboard.vic.gov.au](mailto:registrar@physioboard.vic.gov.au)

Website: <http://www.physioboard.vic.gov.au>

### Queensland

Registration is compulsory.

The Physiotherapists Board of Queensland

Postal Address:

GPO Box 2438

Brisbane QLD 4001

Telephone: 61 7 3234 1164

Email: [physiotherapy@healthregboards.qld.gov.au](mailto:physiotherapy@healthregboards.qld.gov.au)

Website: <http://www.physioboard.qld.gov.au/>

### South Australia

Registration is compulsory.

Physiotherapists Board of South Australia

First Floor, 67 Greenhill Road

Wayville SA 5034

Postal Address:

GPO Box 1270

Adelaide SA 5001

Telephone: 61 8 8274 1488

Fax: 61 8 8372 6677

Email: [jbailey@gtsa.com.au](mailto:jbailey@gtsa.com.au)

Website: <http://www.physioboardsa.org.au>

### Western Australia

Registration is compulsory.

The Physiotherapists Board of Western Australia

Suite 7, Level 2

23 Richardson Street

South Perth WA 6151

Postal Address:

PO Box 959

South Perth WA 6951

Telephone: 61 8 9368 2644

Fax: 61 8 9368 2677

Email: [enquiries@prbwa.com.au](mailto:enquiries@prbwa.com.au)

Website: <http://www.prbwa.com.au>

### Tasmania

Registration is compulsory.

Physiotherapists Registration Board of Tasmania

GPO Box 792

Hobart TAS 7001

Telephone: 61 3 6224 9331

Email: [physio@regboardstas.com](mailto:physio@regboardstas.com)

Website:

[http://www.physioboard.tas.gov.au/info/register\\_procedures.htm](http://www.physioboard.tas.gov.au/info/register_procedures.htm)

### Northern Territory

Registration is compulsory.

Northern Territory Physiotherapists Board  
Health Professions Licensing Authority  
2nd Floor, Harbourview Plaza  
Cnr McMinn and Bennett Streets  
Darwin NT 0800  
Postal Address:  
GPO Box 4221  
Darwin NT 0801  
Telephone: 61 8 8999 4157  
Fax: 61 8 8999 4196  
Email: [healthprofessions.ths@nt.gov.au](mailto:healthprofessions.ths@nt.gov.au)  
Website:  
[http://www.nt.gov.au/health/org\\_supp/prof\\_boards/prof\\_licensing\\_auth.shtml](http://www.nt.gov.au/health/org_supp/prof_boards/prof_licensing_auth.shtml)

#### Australian Capital Territory

Registration is compulsory.  
Physiotherapists Board of the ACT  
6th Floor, Eclipse House  
197 London circuit  
Canberra City ACT 2601  
Postal Address:  
PO Box 976  
Civic Square ACT 2608  
Telephone: 61 2 6205 1601  
Fax: 61 2 6205 1602  
Email: [trish.dowd@act.gov.au](mailto:trish.dowd@act.gov.au)  
Website: <http://health.act.gov.au/>

### **Additional training**

You may require additional training in Australia before you can get your skills recognised, licensed or registered. For more information contact the relevant state or territory licensing or registration body listed below. You can also check with the Overseas Qualifications Unit in your state or territory.  
See: Overseas Qualifications Unit

### **Industry association memberships**

You may benefit from becoming a member of a relevant industry association for your occupation. This could help you with your employment prospects, networking, contact with industry and

professional development and may provide you with important information and support.

New South Wales

Not listed at this time.

Victoria

Australian Physiotherapy Association (National Office)

Level 3, 201 Fitzroy Street

St Kilda VIC 3182

Telephone: 61 3 9534 9400

Fax: 61 3 9534 9199

Email: [national.office@physiotherapy.asn.au](mailto:national.office@physiotherapy.asn.au)

Website: <http://www.physiotherapy.asn.au>

Queensland

Not listed at this time.

South Australia

Not listed at this time.

Western Australia

Not listed at this time.

Tasmania

Not listed at this time

Northern Territory

Not listed at this time.

Australian Capital Territory

Not listed at this time.



## **AEI-NOOSR**

### **PHYSIOTHERAPY<sup>2</sup>**

Physiotherapy in Australia involves the regulated practice of the promotion, prevention, diagnosis, and therapeutic management of pain, disorders of movement or optimisation of function, to enhance the health and welfare of the community from an individual or population perspective. The practice of physiotherapy encompasses a diversity of clinical specialties to meet the unique needs of different client groups. Physiotherapy services are used in a wide variety of areas such as health organisations, private practices, schools and community, and sports and workplace settings.

The practice of physiotherapy in Australia is based upon a clinical reasoning process. The physiotherapist may undertake the following activities: the performance of physiotherapy assessments and the treatment of any injury, disease, or other condition of health, or the prevention or rehabilitation of injury, disease, or other condition of health. Physiotherapists may use physical interventions, and/or exercise prescription, and/or electro physical agents, within a framework of empowerment of the individual/carer or the community through education. Practice is informed by physiotherapy-specific research as well as the general scientific literature and in this way, physiotherapists in Australia engage in evidence-based practice.

#### **Australian Council of Physiotherapy Regulating Authorities Limited (ACOPRA)**

The Australian Council of Physiotherapy Regulating Authorities Ltd (ACOPRA) is responsible for a broad range of issues relevant to standards of physiotherapy education and practice in Australia. These include legislative matters relevant to a consistent national approach to physiotherapy registration, the accreditation of entry level physiotherapy educational programs, and responsibility for the Australian Standards for Physiotherapy

ACOPRA's membership includes each of the Physiotherapists Registration Boards, the Australian Physiotherapy Association and the Schools of Physiotherapy in Australia. ACOPRA is governed by a ten member Board of

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2 [http://aei.dest.gov.au/AEI/QualificationsRecognition/RecognisingProfessionalQualifications/GuideToProfessionalRecognition/physiotherapy\\_pdf.pdf](http://aei.dest.gov.au/AEI/QualificationsRecognition/RecognisingProfessionalQualifications/GuideToProfessionalRecognition/physiotherapy_pdf.pdf) (accessed 3 July 2006).

Directors comprising one nominee from each member. ACOPRA's National Office is based in Canberra.

ACOPRA, through its standing committee, the Australian Examining Committee for Overseas Physiotherapists (AECOP), administers the assessment process for overseas-qualified physiotherapists seeking to gain full registration to practise in Australia.

ACOPRA is also the assessing authority for physiotherapists intending to apply for migration to Australia.

The contact details for both ACOPRA and the AECOP are:

Postal Location

GPO Box 587 Level 2, 19 Barry Drive

CANBERRA ACT 2601 TURNER ACT 2612

AUSTRALIA

Phone: +61 2 6262 6029

Fax: +61 2 6262 5284

email: Administrative enquiries: [admin@acopra.com.au](mailto:admin@acopra.com.au)

Assessment enquiries: [aecop@acopra.com.au](mailto:aecop@acopra.com.au)

Accreditation enquiries: [acopra@acopra.com.au](mailto:acopra@acopra.com.au)

Website: <http://www.acopra.com.au>

### **Recognition Procedures in Australia**

In order to practise physiotherapy in Australia, you must be registered with the local State or Territory Physiotherapists Registration Board. It is important that you check with the Physiotherapists Board of the State or Territory in which you wish to work whether any special registration requirements apply. Contact details for the registration boards can be found at [http://www.acopra.com.au/contact\\_us/other\\_contacts/registration\\_boards](http://www.acopra.com.au/contact_us/other_contacts/registration_boards). Full registration in Australia permits a physiotherapist to practise in any field of physiotherapy practice and as a practitioner of first contact.

If you have completed your physiotherapy qualification overseas, there are four ways in which you can enter the profession in Australia:

- successfully completing the eligibility and assessment process administered by ACOPRA;

OR

- applying directly for full registration with any Australian Physiotherapists Registration Board if you hold current full registration with the Physiotherapists Board of New Zealand under the Trans Tasman Mutual Recognition Arrangement (TTMRA);

OR

- completing an accredited entry level physiotherapy program at an Australian university. Contact details for universities can be found at [http://www.acopra.com.au/contact\\_us/other\\_contacts/schools](http://www.acopra.com.au/contact_us/other_contacts/schools);

OR

- applying directly for limited registration with an Australian Physiotherapists Registration Board. Special conditions apply for this form of registration and it is only for a period of up to 12 months. This form of registration is not available in some States and Territories.

### **Applicants under TTMRA from New Zealand**

Physiotherapists who are currently registered to practise in New Zealand are able to apply directly to the Physiotherapists Registration Boards for immediate registration under the TTMRA legislation. For more information, please contact the individual Registration Boards or ACOPRA.

### **All other applicants from Overseas Countries**

If you want to apply for full registration to practise physiotherapy in Australia, you must apply to have your eligibility assessed to undertake the examination procedure administered by ACOPRA and pass the examinations. If you want to apply to register to practise physiotherapy under limited conditions while holidaying in Australia, you may be exempt from the AECOP examinations – contact ACOPRA for more information.

The assessment process consists of the following components:

- Eligibility Assessment – assessment of qualifications and associated documents to determine the applicant’s eligibility to undertake the professional examinations; Please note that an application for an assessment of qualifications determines a person’s eligibility to undertake the examinations. It is not an application to sit the examination. When a person’s eligibility is determined, ACOPRA forwards separate examination registration forms to the person.

- English Language Requirements (if applicable) – if your first language is not English, an overall minimum 'B' standard and a minimum of 'B' in all four sections of the Occupational English Test (OET), or an overall score of Band 7 (with a minimum of Band 6 in each of the four components) in the Academic Module of the International English Language Testing System (IELTS) will satisfy this requirement if gained within 12 months of application to AECOP. Please note that candidates may seek exemptions from the OET/IELTS if they meet specific criteria.
- Written Examination – conducted world-wide. The written examination is a multiple choice question examination based on case studies that cover the entire scope of physiotherapy as practised in Australia at the standard expected at entry to the profession. Following successful completion of the written examination, a candidate is issued with an Interim Certificate and is eligible to proceed to undertake an optional period of supervised clinical practice followed by the clinical examination.
- Supervised Clinical Practice – optional but strongly recommended before taking the clinical examination.
- Clinical Examination – a practical, clinical viva, examination covering the practice of physiotherapy.

If you are not eligible to undertake the professional examinations you may be eligible to apply to enrol in an accredited Australian physiotherapy degree course at an Australian university. There is strong competition for university places in physiotherapy. Contact details for the Australian institutions offering professional entry courses in physiotherapy are available at [http://www.acopra.com.au/contact\\_us/other\\_contacts/schools](http://www.acopra.com.au/contact_us/other_contacts/schools)

If you live overseas, you may undertake the OET or IELTS and the written examination overseas. If you are in Australia, you can sit the OET or IELTS and the written examination in a State or Territory capital city.

The written examination is held in the first week of March and September each year in Australia and overseas. In order to be assessed for the March examination, the eligibility application should be sent by mid-April and by mid-October for the September session. The clinical examination is only conducted in Australia and is arranged as required.

Upon successful completion of the examinations, you will be awarded the AECOP Final Certificate, which confers eligibility to apply for full physiotherapy registration. Once you are fully registered in Australia you will

have the same rights to practise as an Australian trained physiotherapist. If required you will also be issued with a Certificate for Skilled Migration. Only then will a candidate's skills and qualifications be assessed as suitable for migration purposes as a Physiotherapist (ASCO code 2385-11) under the General Skilled Migration Categories.

### **Australian Physiotherapy Association**

The Australian Physiotherapy Association (APA) is the peak body representing the interests of Australian physiotherapists and their patients. The APA is a national organisation with non-autonomous state and territory branches and specialty subgroups.

The APA corporate structure is one of a company limited by guarantee. The organisation has approximately 11,000 members, some 70 staff, and over 300 members in volunteer positions on committees or working parties. The APA is governed by a Board of Directors elected by representatives of all stakeholder groups within the Association.

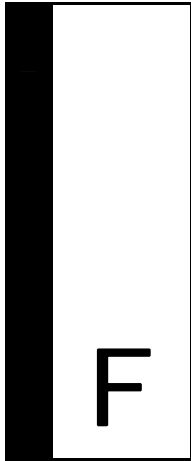
The Physiotherapy Research Foundation, a wholly-owned subsidiary of the APA, strives to promote and facilitate physiotherapy-related research.

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## Appendix F: COAG statement on the health workforce

### **National accreditation<sup>1</sup>**

The Council of Australian Governments (COAG) has agreed that, in order to simplify and improve the consistency of accreditation arrangements for education and training of the health professions, a national scheme for the accreditation of health professions' education and training be established by 1 July 2008.

The scheme would apply to the nine occupational groups that are currently subject to statutory registration in all jurisdictions, with the inclusion of other health occupations to be determined during implementation through assessment against criteria agreed by the ministerial council comprising Commonwealth, State and Territory Health Ministers. A national Multilateral Intergovernmental Agreement would underpin the scheme, setting out its objectives, governance, scope, and legislative, administrative and financial arrangements. The Intergovernmental Agreement will be finalised by mid 2007, with ongoing report back to Senior Officials prior to the establishment of the scheme.

COAG has also agreed to undertake consultation with stakeholders on its preferred model, a single cross-profession national accreditation authority that would be given effect through either a statutory body or a non-statutory

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<sup>1</sup> COAG website, [http://www.coag.gov.au/meetings/140706/docs/attachment\\_c\\_health\\_workforce\\_accreditation.rtf](http://www.coag.gov.au/meetings/140706/docs/attachment_c_health_workforce_accreditation.rtf) (accessed 31 August 2006).

corporate body. All governments (Commonwealth, State, Territory) would be involved in governance arrangements, including a primary policy setting, governance and implementation role for a ministerial council comprising Commonwealth, State and Territory Health Ministers, to be detailed in the Intergovernmental Agreement.

COAG has further agreed that the preferred model would facilitate expert input on professional matters for professions covered by the scheme.

The scheme would be implemented in parallel with proposed reforms to establish a national registration scheme, and would be self-funding, with establishment costs of approximately \$7.5 million over four years to be jointly funded by the Commonwealth and the States and Territories.

COAG has also agreed that implementation will be overseen by Senior Officials and undertaken in consultation with relevant stakeholders, with a report back to COAG on the consultation and the implementation approach by the end of 2006.

COAG has noted that further work will be undertaken by Health and Education Ministers by July 2007 to clarify the relationship between the proposed national accreditation model and existing arrangements vested in State Education Ministers for accrediting private non-university higher education courses

## **National registration<sup>2</sup>**

The Council of Australian Governments (COAG) has agreed that a national professional registration scheme for health practitioners be established by July 2008.

The scheme would apply to the nine occupational groups that are currently subject to statutory registration in all jurisdictions. A national Multilateral Intergovernmental Agreement would underpin the scheme and identify its objectives, governance, scope, and legislative, administrative and financial arrangements. The Intergovernmental Agreement would be finalised by mid-2007 with ongoing reporting back to Senior Officials prior to the establishment of the scheme. The scheme would be enacted through either incorporation by reference or complementary legislation, with the exact mechanism to be resolved as part of implementation.

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2 COAG website, [http://www.coag.gov.au/meetings/140706/docs/attachment\\_b\\_health\\_workforce\\_registration.rtf](http://www.coag.gov.au/meetings/140706/docs/attachment_b_health_workforce_registration.rtf) (accessed 31 August 2006).



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The inclusion under the scheme of other health occupations currently registered in a limited number of jurisdictions will be determined during implementation of the scheme through assessment against criteria agreed by a ministerial council comprising Commonwealth, State and Territory Health Ministers, and detailed in the Intergovernmental Agreement. The subsequent inclusion of new professions will also be covered by this process.

COAG has agreed to undertake consultation with stakeholders on its preferred model, a single cross-profession national registration board that would assume ongoing administration for a consolidated national health practitioner registration scheme. The scheme would maintain a presence in each State and Territory, primarily to manage receipt and investigation of complaints/notifications and disciplinary matters regarding registered practitioners. All governments (State, Territory and the Commonwealth) would be involved in governance arrangements, with a primary policy setting, governance and implementation role for the ministerial council comprising Commonwealth, State and Territory Health Ministers, to be detailed in the Intergovernmental Agreement.

In addition, the scheme would facilitate expert input on professional matters for professions covered by the scheme, to be provided through participation on profession-specific committees, panels or such other mechanisms.

Under the preferred model, the scheme would be implemented in parallel with proposed reforms to establish a national accreditation scheme, and would be self-funding, with estimated establishment costs of up to \$12.3 million over four years to be jointly funded by the Commonwealth and the States and Territories.

COAG has further agreed that implementation will be overseen by Senior Officials and undertaken in consultation with relevant stakeholders, with a report back to COAG on the consultation and the implementation approach by the end of 2006.