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Where are we now in overseas qualifications recognition? A decade of review and changes

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Where are we now in overseas qualifications recognition? A decade of review and changes

Abstract

Over the last decade, more and more of Australia's immigration intake has come from non- English speaking background (NESB) countries. Whereas in 1981 50 per cent of the overall intake was from NESB countries, by 1990-91 this figure had reached 63 per cent. As a consequence, in the skilled categories there has also been a proportionate increase in the immigrants arriving from non-English speaking background (NESB) countries. In 1990-91, for example, 78 per cent of professionals and 53 per cent of tradespeople came from NESB countries. Asian countries have featured particularly in recent years. In 1990-91, 61 per cent of the permanent settler professional intake was from Asia.



THE CENTRE FOR
MULTICULTURAL STUDIES

UNIVERSITY OF WOLLONGONG

**Where are We Now in Overseas
Qualifications Recognition?**

A Decade of Review and Changes

IREDALE

Occasional Paper No. 26

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**WHERE ARE WE NOW IN
OVERSEAS QUALIFICATIONS
RECOGNITION?**

A Decade of Review and Changes

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LIST OF ACRONYMS

AAT	Administrative Appeals Tribunal
ACCA	Chartered Association of Certified Accountants
AMA	Australian Medical Association
AMC	Australian Medical Council
AMEC	Australian Medical Examining Council
ANAC	Australian Nursing Assessment Council
ANC	Australian Nursing Council
ASA	Australian Society of Accountants
ASCPA	Australia Society of Certified Practising Accountants
CAAIP	Committee to Advise on Australia's Immigration Policies
CIMA	Chartered Institute of Management Accountants
COPQ	Committee (later Council) on Overseas Professional Qualifications
CTCs	Central Trades Committees
DEET	Department of Employment, Education and Training
DIR	Department of Industrial Relations
DIRETFE	Department of Industrial Relations, Employment, Training and Further Education
DOLAC	State and Territory Departments of Labour Advisory Committee
EEO	Equal Employment Opportunity
ENS	Employer Nomination Scheme
HREOC	Human Rights and Equal Opportunity Commission
ICAA	Institute of Chartered Accountants in Australia
ICTC	Industrial and Commercial Training Commission
LTCs	Local Trades Committees
MEQB	Migrant Employment and Qualifications Board
NACSR	National Advisory Committee on Skills Recognition
NBEET	National Board of Employment, Education and Training

NOOSR	National Office of Overseas Skills Recognition
NPC	National Population Council
NTB	National Training Board
OQU	Overseas Qualifications Unit
POL	Priority Occupations List
TA	Technical Advisor
TPC	Trade Practices Commission
TRRA	Tradesmen's Rights Regulation Act
VEETAC	Vocational Education, Employment and Training Advisory Committee

EXECUTIVE SUMMARY

Introduction

Over the last decade, more and more of Australia's immigration intake has come from non-English speaking background (NESB) countries. Whereas in 1981 50 per cent of the overall intake was from NESB countries, by 1990-91 this figure had reached 63 per cent. As a consequence, in the skilled categories there has also been a proportionate increase in the immigrants arriving from non-English speaking background (NESB) countries. In 1990-91, for example, 78 per cent of professionals and 53 per cent of tradespeople came from NESB countries. Asian countries have featured particularly in recent years. In 1990-91, 61 per cent of the permanent settler professional intake was from Asia.

Development of Overseas Qualifications Assessment Procedures

Skilled immigrants began arriving in significant numbers in the 1930s. A range of methods were developed for assessing training that was different from the British/Australian model: course-by-course evaluations; examinations; supervised employment and combinations of these.

In 1969 the Government established the Committee on Overseas Professional Qualifications (COPQ), in the Department of Immigration, to provide centralised guidance to governments and industry on the equivalence of overseas qualifications. COPQ gradually added 18 Expert Panels in particular occupational areas.

For the trades, the Tradesmen's Rights Regulation Act (TRRA) 1946 was used as the basis for assessing overseas trained tradespeople. Assessments were undertaken of both vocational and on-the-job training. The TRRA developed a network of Committees administered by the Department of Industrial Relations. In non-TRRA trades, State/Territory Governments or other bodies sometimes developed assessment mechanisms. In most trades there was no formal means of assessment.

Review of Overseas Qualifications Assessment Procedures and Changed Infrastructure Arrangements

Over the last ten years there has been a growing body of literature on the problems experienced by qualified migrants when they try to get their qualifications recognised and gain employment in Australia. In 1981-82 the Commonwealth Government conducted a major inquiry. As a result of this inquiry the Committee on Overseas Professional Qualifications (COPQ) was replaced by a Council. In 1988, the National Population Council

recommended that the functions of COPQ be integrated into the Department of Employment, Education and Training. As a consequence a new office, the National Office of Overseas Skills Recognition (NOOSR), was established in DEET in 1989.

Federal reviews of procedures for assessing overseas qualifications in 17 occupational areas subsequently began under the auspices of the Vocational Education, Employment and Training Advisory Committee (VEETAC). The investigation into nursing has culminated in the formation of the Australian Nursing Council (ANC) and of assessments being carried out by that Council.

At the State level, NSW held a major inquiry in 1988-89 and relocated its Overseas Qualifications Unit (OQU) into the labour market portfolio. South Australia and Victoria established task forces to better direct the work of their OQUs and Queensland and Western Australia set up new offices. There has been some coordination between NOOSR and the State offices but until 1992 only Victoria and NSW were formally represented on the National Advisory Committee on Skills Recognition (NACSR), a body which works in conjunction with NOOSR.

Other reviews into overseas qualifications recognition have been conducted by the Australian Medical Council (into its own examination) and the Human Rights and Equal Opportunity Commission (into the situation facing overseas trained medical practitioners).

The Degree of Occupational Regulation in the Australian Labour Market and Recent Attempts to deal with it

Australia has one of the most highly regulated labour markets in the world. This level of regulation began to be seriously questioned in the 1980s. So far the debate has been mainly confined to the professions.

In 1989, the Commonwealth Government formed a new body called the Industries Commission which subsumed the Commonwealth's Business Regulation Review Unit and the Industries Assistance Commission, along with a couple of other bodies. In 1992, a report of the Industries Commission, *Exports of Health Services*, stated that tight controls appeared to go well beyond patient protection.

In 1990, the Trade Practices Commission (TPC) commenced the conduct of a general study of competition in the markets for professional service. Accountancy, architecture and the legal profession are the first occupations being considered in detail.

Occupational Regulation and the Impact on Skilled Immigrants

There has been limited acknowledgment of the effect on immigrants of restrictions on entry to occupations. The TPC's current inquiries have highlighted the effect in accountancy. In terms of its brief, the TPC concluded (1992b: 62) that:

careful thought should always be given to standards for entry. Even where unnecessarily high standards do not have a significant effect on competition, there can be 'harsh treatment' of people with qualifications or experience equivalent to many who are currently practising in Australia. Users of accounting services may be unnecessarily denied the availability of service providers who might effectively contribute to the Australian economy.

In terms of competition within the Australian economy, therefore, the overall effect of inflexible and non skills-based entry standards may be limited but there may be a flow-on effect in terms of preventing the entry of skilled overseas accountants into Australia. The TPC concluded that where the assessment of overseas qualifications is delegated to self-regulatory bodies, there should be an independent right of appeal by those adversely affected by the criteria applied. The problem for potential migrants is that they either do not have access to or do not know about appeal mechanisms.

The inquiries into architecture and the legal profession are at much earlier stages and so there are no findings to date.

The Recognition of Skills rather than Qualifications

In tandem with these reviews has been the move to competency-based learning and assessment. For overseas trained workers, this was seen as a means to gain a fairer assessment of their skills rather than a continued reliance on 'paper' qualifications which may be out of date, difficult to assess or lacking altogether in the case of many refugees.

'Competency' has been defined in the *National Competency Standards Policy and Guidelines* (National Training Board, 1991: 2), as 'the ability to perform the activities within an occupation or function to the standard expected in employment'. 'Competency-based standards', in turn, are 'concerned with the identification of the personal characteristics that contribute to competency and specification of how these characteristics are applied and reflected in competent performance in the workplace' (NOOSR, 1992: 3).

NOOSR has provided funding in more than 20 professional areas, so far, while in the trades the Department of Industrial Relations has been active in promoting the identification of competencies. The development of competency standards is also proceeding in various industries in line with the modification of awards. The Metal Trades Industry Award is the best known and most advanced in this respect.

At the same time, there has been a move towards implementing a system of mutual recognition across all State and Territory borders. This move is dependent upon the development of competency based standards. The model of mutual recognition that has been agreed to for introduction in 1993 represents a streamlining of the current reciprocal arrangements between the States/Territories.

Evaluation of the Effect of the Changes for Immigrants Qualified Overseas **Recognition Outcomes**

Any evaluation at this stage must be broad and non-specific. The marked absence of data is still as evident as it was in 1982. In terms of outcomes of recognition, NOOSR is still operating largely on the basis of comparative assessment of 'paper' qualifications. People from NESB countries continue to have lower recognition rates than those from the UK, Ireland and North America. NOOSR has invested considerable resources in developing new Country Profiles for 85 countries and it needs to find the right balance between the activity and competency based assessments.

Recognition in the trades areas, especially the Tradesmen's Rights Regulation Act trades, has always been much more skills focused. The DIR has improved its processing of applications and has sought to eliminate many of the barriers that existed in the past for overseas trained tradespeople wishing to migrate to Australia.

For immigrants, there has been relatively little impact to date of the move to competency based standards. Pre-migration assessment, except in the trades, is still predominantly of formal qualifications and therefore people are included or excluded according to how their qualifications equate to the Australian counterpart. DILGEA officers have been trained to carry out comparative assessments of professional and para-professional qualifications in about 20 occupations on behalf of NOOSR.

Assessment by examination in dentistry, dietetics, occupational therapy, pharmacy, physiotherapy, podiatry, speech pathology and veterinary science may be partially conducted overseas. Potential immigrants may sit the theory component and then if successful travel to Australia for the practical. Success carries with it the maximum number of points for 'acceptable' qualifications. Failure means that the potential immigrants accrue much fewer points with the consequence that they will not reach the number of points required for migration in the independent or concessional categories.

Once in Australia, professional immigrants are still predominantly assessed on the basis of their qualifications or by means of an examination modelled on final year Australian

examinations, or both. There are no competency based assessments in the professions, as yet, though some trade tests are much more competency oriented. The ideal model for assessing competency is on-the-job in all occupations but the resistance to this notion is high. Problems of resourcing, lack of consistency and standardisation, the possibility for subjectivity and the lack of suitable venues are the most common reasons given for the impracticality of this model.

Employment Outcomes

Little research has been done into the employment of overseas trained skilled workers but a recent study demonstrated that for employers, training in selection and recruitment techniques and in managing a diverse workforce is warranted. At the moment, whether because of ignorance, prejudice or ill-advised views about many overseas-trained skilled workers, employers tend to 'play it safe'. If they have a choice, they mostly choose the applicant who is 'best known' to them, in terms of being most like them.

As well as overt discrimination, systemic or indirect discrimination is built into many of the recruitment and selection practices of both private and public organizations. Recruitment practices which are almost exclusively internal and which rely mainly on new graduates for replenishment, effectively shut out the slightly older resident with overseas qualifications. While such practices have some advantages for employers, they neglect the advantages of bringing in 'outside' people.

Selection practices which rely almost entirely on one to one personal interviews or informal word of mouth methods of hiring contravene EEO principles. Any tendency for bias which may exist is able to flourish in this context. There is some evidence of stereotyping and bias against some qualifications. Some of this is based on uncertainty about the value of various overseas qualifications.

At the same time, over-reliance on the assessments of NOOSR or other bodies should be discouraged. Such assessments are intended to be *advisory only* and employers need to make decisions on the basis of experience and actual ability to perform the job, as well as qualifications. The proposed move to competency-based skills assessment or skills audits should assist skilled immigrants but it will only do so if employers are encouraged and trained to properly assess job applicants on this basis.

Employers also fail to hire overseas-trained professionals, managers and technicians because of their fears of communication difficulties. English is best learned on the job and employers need to understand this.

When employers speak of lack of local experience they do not appear to mean lack of local professional or technical experience. Rather the term seems to be used by employers to refer to a lack of knowledge of local codes, government regulations and ways of operating generally.

Conclusions

First, training will be much more effective than legislation in the long run. The creation of legislation similar to that introduced for women to assist with the employment of people who are born overseas and are of non-English speaking background (NESB1) or born in Australia but with at least one parent born in a non-English speaking country (NESB2) has been mooted. While it could provide the 'climate', it cannot be relied upon to rectify the employment situation facing skilled immigrants.

Second, where a qualification is assessed in general academic terms as not meeting the Australian standard, the candidate needs to retrain for an Australian credential in order to re-enter their former occupation. Opportunities for such retraining are very limited and costly. A heavy emphasis in both the Commonwealth and State migrant skills strategies has been on providing bridging or upgrading courses. While this has assisted some people, it does not address the real issue which is the assessment criteria and practices of the accrediting bodies and employers. Reliance has been placed on the move to develop national competencies and a system of mutual recognition. These are both excellent initiatives but they have a long way to go.

Third, the mutual recognition process does not deal directly with the issue of recognition of overseas qualifications and skills.

Fourth, the attitudes of employers need considerable modification before skilled immigrants have equal access to employment in Australia, let alone being seen as embodying advantages. An appropriate means of communicating these advantages to employers needs to be found as well as methods of assisting immigrants to overcome the disadvantages of not having the 'networks' or the job seeking skills that are often needed to get jobs.

Fifth, the effect of allocating most points to potential immigrants with 'recognised' skills is that 'paper' qualifications are mainly being assessed and in the Trade Practices Commission's terms there is reduced competition due to restrictions being placed on the entry of overseas practitioners.

Sixth, devolution of assessments by NOOSR to overseas posts of DILGEA and the professional bodies could lead to even greater control over entry.

Finally, a number of recent papers have suggested that the number of untargetted skilled immigrants to Australia should be reduced, especially given the current recession. It has been suggested that the Employer Nomination Scheme/Labour Agreements category and the Temporary Entrant Program be used as the major means of filling short term labour market shortages. Only those with already recognised qualifications would be allowed entry.

The plethora of reviews, new bodies and strategies and attempts to mainstream the labour market issues associated with overseas skills recognition are a move in the right direction. It is too early to tell whether they will rectify the situation or whether what is still needed is a closer examination of the attitudes and practices of assessing/admitting bodies and employers. The gatekeepers have so far not attracted very much scrutiny but they may still be the real cause behind the lack of recognition of overseas skills. They may not be able to continue to be side-stepped if a long run solution is to be found that enables the free flow of labour between Australia and other countries, especially our Asian neighbours.

The overall effect of all of these changes to date is to take some of the problems away from Australia. That is, to simply prevent people from entering Australia unless they have qualifications or skills that are already recognised. This will mean less need for bridging courses and the number of unemployed skilled workers will be cut.

But the consequence could be to close Australia off to a supply of skilled workers who have the potential to contribute to the Australian economy. This fortress mentality may have appeal in the short term, given the current economic situation, but in the longer term it is not conducive to, nor consistent with, Australia's expanding role, especially into Asia.

The Government needs to take the lead on this issue and demonstrate a real commitment to a more open policy rather than giving out signals of wanting to protect Australian workers. To date there has been little evidence of real commitment and rather a lot of rhetoric about Australia's international perspective.

INTRODUCTION

The recent government emphasis on selecting skilled immigrants is not a departure from previous policy but a continuation of past policies, albeit with greater zest. The 1950s saw the commencement of efforts to attract skilled labour from overseas. The growth of the manufacturing sector meant that more skilled workers, as well as unskilled workers, were needed. Shortages of skilled labour continued into the 1960s, due to inadequate training programs and high rates of return migration. Throughout the 1970s and 1980s the importation of skills escalated, as progressively more refined means of selecting skilled workers were introduced. Table 1, which contains the Department of Immigration, Local Government and Ethnic Affairs' (DILGEA's) statistics on skill categories of settler arrivals for the last four years, confirms this trend.

Table 1: Level of skill of settler arrivals, 1987-88 to 1990-91

<i>Level of Skill</i>	<i>1987-88</i>		<i>1988-89</i>		<i>1989-90</i>		<i>1990-91</i>	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
Professional & technical	18,292	12.7	19,216	13.2	18,791	15.5	25,264	20.8
Skilled trades	9,345	6.5	9,859	6.8	10,613	8.8	10,348	8.5
Clerical & admin	14,333	10.0	13,956	9.6	9,857	8.1	6,089	5.0
Semi-skilled	19,348	13.5	17,950	12.4	11,658	9.6	5,226	4.3
Unskilled	5,109	3.6	5,319	3.7	3,880	3.2	3,192	2.6
Not stated/not in employ	1,550	1.1	2,591	1.8	2,731	2.3	12,987	10.7
Sub-total Workers	67,977	47.4	68,891	47.4	57,530	47.5	63,106	52.0
Not in work force	75,513	52.6	76,425	52.6	63,697	52.5	58,582	48.0
TOTAL	143,490	100.0	145,316	100.0	121,227	100.0	121,688	100.0

Note: The 'not stated/not in employment' figure for 1990-91 is unusually high due to a change in DILGEA's data collection and management systems.

Source: BIR 1991 *Australia's Population Trends and Prospects*, 1990, p. 41 and BIR 1992 *Settler Arrivals*, p. 6.

The proportion of the workforce intake that was in the Professional and Technical skilled category rose from 12.7 per cent in 1987-88 to 20.8 per cent in 1990-91. The overall numbers did not change very much but the total intake fell during this three year period thereby

enabling a proportionate increase in this category of skilled labour. According to the Bureau of Immigration Research (BIR: 1992), 15,577 professionals arrived as settlers during 1990-91: 52 per cent in the Independent category, 21 per cent in the Concessional category, 13 per cent in the Preferential category and 4 per cent from New Zealand.

Source of the intake

As well as the move to more skilled migration, two other trends have become apparent in the last five to ten years:

- greater immigration from non-English speaking background (NESB) countries (63 per cent now compared with around 50 per cent in 1981), and
- an increase in the number of immigrants from Asia (from 22 per cent of the intake in 1977-78 to 40 per cent in 1990-91) (BIR,1992: 1).

These trends have implications for the sources of employment skills:

- more skills are coming from NESB countries—in the two largest occupational groups, professionals and tradespersons, 78 per cent and 53 per cent, respectively, came from NESB countries in 1990-91;
- more skills are coming from Asia— in 1990-91, 61 per cent of the professionals who came to Australia as permanent settlers were from Asia, and people in professional occupations made up 32 per cent of the overall worker intake from Asia. By region, 40 per cent of the people in the workforce who arrived from NE Asia were professionals as were 33 per cent from S Asia and 24 per cent from SE Asia.

Table 2 shows that for 1990-91, almost 5,000 professionals arrived from NE Asia, 2,761 from SE Asia and 1,837 from S Asia. This compares with 3,236 from the whole of Europe and the former USSR.

Table 2: Settler Arrivals by Region of Birth and Major Occupation Group, 1990-91

<i>Region of Birth</i>	<i>Other</i>					<i>Total</i>
	<i>M/A</i>	<i>Profs</i>	<i>P/Profs</i>	<i>Trades</i>	<i>Workers</i>	
Europe & USSR	850	3,236	1,529	5,244	7,379	18,238
UK & Ireland	660	2,229	1,229	3,982	3,736	11,836
Southern Europe	56	376	119	435	1,157	2,143
Western Europe	85	284	83	465	495	1412
Other Europe	49	347	98	362	1,991	2,847
Mid E & Nth Africa	111	651	80	556	2,671	4,069
Southeast Asia	946	2,761	627	1,707	5,680	11,721
Northeast Asia	2,862	4,942	737	829	2,877	12,247
Southern Asia	256	1,837	197	557	952	5,586
Northern America	142	611	151	143	388	1,435
Sth & Cent America	14	133	23	65	2,069	2,304
Africa	154	552	114	274	956	2,050
Oceania	523	826	351	957	2,536	5,193
Not Stated	1	7	2	0	17	27
TOTAL	5,871	15,577	3,816	10,348	27,494	63,106

Notes: M/A-Managers/Administrators, Profs-Professionals, P/Profs-Para-Professionals.

Source: Bureau of Immigration Research, 1992, *Settler Arrivals 1990-91*, Table 3, p. 6.

Over the past decade, there has been a growing body of literature on the problems experienced by qualified migrants when they try to get their qualifications recognised in Australia (for example, Castles et al. 1989; Kunz 1988; Mitchell et al. 1990), the wages differentials between overseas trained immigrants and comparably trained Australian workers (see Beggs and Chapman 1988; Chapman and Iredale 1990), the alleged discrimination experienced by skilled immigrants (Collins, 1988) and the protectionism of various professional and other bodies (Iredale 1987). Early practices that had been established in the post-war years for the assessment of overseas qualifications began to be questioned.

In 1981-82, there was a major Commonwealth review of the procedures for assessing and recognising overseas qualifications. Since then there has been one State level review and most States have established some combination of overseas qualifications offices, units and/or boards. Other reviews, mainly by the Vocational Education, Employment and Training Advisory Committee (VEETAC), have taken place in terms of the assessment of overseas qualifications in particular occupations. In addition, the Australian Medical

Council (AMC) undertook a comprehensive review of its examination for overseas qualified medical practitioners.

On an even wider scale, there have been moves to end or at least question protectionism. At the macro level this has meant tariff reductions, deregulation of the banking system and a reduction in targetted intervention in some industries. In the labour market there has been a trend to deregulation and the introduction of enterprise based bargaining.

At the same time, there has been a general move within the Australian labour market towards competency based assessment of skills, competency based education and training and recognition of prior learning. All of these moves have the potential to affect the assessment of overseas qualifications.

The first aim of this paper is to document the major changes that have occurred in all of these areas in the last decade. The second aim is to discuss the implications for people migrating to Australia with overseas qualifications.

DEVELOPMENT OF OVERSEAS QUALIFICATIONS ASSESSMENT PROCEDURES

Early documents show that qualified immigrants arriving in Australia in the 1930s had problems with getting their qualifications recognised. They were mainly Jewish refugees arriving from Europe. From the late 1940s onwards, however, the problem began to escalate. Many East Europeans who arrived from Poland, the Baltic States, etc were university trained but were sent to work in factories, construction schemes and hospitals as unskilled labour. In fact this was quite deliberate. Collins (1988) points out that the only way that the Australian Government was able to persuade the trade union movement to allow large numbers of post-war refugees into Australia was to guarantee that they would not take the jobs of Australians or lower wages. The Government therefore agreed to 'institutionalise the inferiority of the East Europeans in the workforce' (1988: 208).

Throughout the 1950s and 1960s, increased numbers of skilled immigrants arrived. Those who came from the UK or Ireland had little or no problem with qualifications recognition. This was because Australian educational institutions, professional associations and trade unions were modelled on British prototypes. Reciprocity arrangements that facilitated the

easy movement of skilled professionals, para-professionals and tradespeople between countries for training and employment were often established.

The nature of the 'recognition' processes that grew up were haphazard and inherently discriminatory. They automatically favoured immigrants with a British style of training. Overseas missions of trade and professional experts from Australia reinforced this pattern. Most assessment was of formal qualifications with little attention being paid to work experience or informal references. If an overseas qualification was judged 'equivalent' or 'the same as' its Australian/State counterpart, then recognition was generally accorded.

'Recognition' of overseas qualifications was achieved in two main ways:

- through formal acceptance by a body, such as a registration, licensing or certifying body or a trade union;
- informal acceptance by an employer or employing body.

Consequently the means that were derived for conducting assessments frequently operated to deny recognition or accreditation to people with training that was different from the Australian (and/or British) model. The bodies and employers often based their assessment practices and criteria on their British counterparts or developed them in close association with them.

Assessments were conducted in a number of ways. The pre-eminent means was by assessing 'equivalence of training'. This method mostly involved a course-by-course comparison of subjects, involving the use of two registers; a domestic one and one of overseas qualifications. The overseas registers were built up by means of overseas missions, documentary evidence from other compendiums (such as the United Nations) and through a file of case histories. Such methods intrinsically favoured British style training systems and were open to criticism on the accuracy of the course-by-course comparisons, the use of different terminologies and grading systems and the verification of documents.

Where courses were seen as the same or where one had developed on similar lines to another, there was automatic acceptance of a qualification. This may have been formalised by reciprocity arrangements or it may have been informal. This meant that someone who arrived with a qualification, for example from a British medical school, was automatically entitled to registration in any State/Territory of Australia, provided they fulfilled the other criteria in relation to character, residence, etc.

From the late 1970s, examinations came to be used as a means of ascertaining the level of a person's training, sometimes in conjunction with an analysis of their 'paper' qualifications. The level of examinations was often a matter of dispute—especially by immigrants. Examinations were seen by some as being a tool for controlling the numbers who entered an occupation while others saw them as a fairer means of assessment.

In a small number of occupations, supervised employment in combination with an analysis of 'paper' qualifications, was the means of assessment. Nursing was a good example of this technique. Engineering also used this method for people about whom the Institution of Engineers Australia (IEA) was uncertain. People who could not gain membership of the IEA could apply after two years of satisfactory employment in Australia and could be offered membership.

On the other hand, in many occupations the assessment of overseas training and qualifications has always been in the hands of individual employers. Without formal requirements for registration, licensing or certification, employers selected employees to fill vacancies.

To facilitate the supply of information about both overseas qualifications and training institutions and local requirements within a given profession, the Commonwealth Government established the Committee on Overseas Professional Qualifications (COPQ), within the Department of Immigration, in 1969. While its primary role in the early stages was 'to provide centralised guidance to governments and industry' (Iredale, 1987: 52) it gradually took on the role of an assessing body. It began to evaluate the 'equivalence' of overseas qualifications to their Australian counterparts in both professional and technical occupations. As COPQ's Fifth Annual Report stated (COPQ, 1973: 3), it was also concerned 'to promote flexibility in the procedures used in assessing qualifications'. It further stated that:

Scope should be available to accommodate worthwhile variations from the Australian pattern, either by direct integration into the profession, or 'bridging' or 'topping up' courses tailored to the needs of people whose qualifications fall outside an acceptable range (COPQ, 1973: 3).

COPQ gradually developed a total of 18 Expert Panels which conducted examinations or assessed 'paper' qualifications. At the same time, it either funded itself or negotiated with the Department of Employment to fund bridging courses for overseas trained doctors and dentists.

In relation to trade occupations, a completely separate system developed. Entry to the trades prior to the second world war was mainly by union membership and apprenticeship training schemes. During the war a shortage of skilled tradespeople led the Federal Government to negotiate Dilution Regulations with the unions to enable rapid training of tradespeople. At the end of the war, fears of excess tradespeople in Australia led to the enactment of the Tradesmen's Rights Regulation Act (TRRA) in 1946 to protect the employment of people working in the engineering, electrical, sheetmetal, boilermaking, blacksmithing, automotive and boot trades. While the Act was originally intended to apply to Australian trained people and to be repealed in 1952, it came to be used as a basis for assessing overseas trained tradespeople. By 1958 it covered 70 individual trades.

The TRRA is administered by the Department of Industrial Relations (DIR) with recognition being granted by the Central and Local Trades Committees (CTCs and LTCs) established under the Act. Applicants for recognition may be assessed before migration by a team of Technical Advisers. The assessment is undertaken on the basis of vocational and on-the-job training as well as work experience. A technical interview may also be conducted to assess the applicant when their competency is in doubt.

But many trades were not included under the TRRA. Some of these trades came to be the responsibility of state trade associations and state legislation while some remained under the control of unions. Others remained unregulated.

REVIEWS OF OVERSEAS QUALIFICATIONS ASSESSMENT PROCEDURES

In 1981, the Commonwealth Government responded to pressure from a wide variety of sources to appoint a Committee of Inquiry into the Recognition of Overseas Qualifications in Australia. One of the major sources of pressure was the NSW Government which had established an Overseas Qualifications Unit within the NSW Ethnic Affairs Commission in 1979.

The report of this committee (the Fry Committee) was released in 1983 and contained 86 recommendations: 57 had general relevance and 29 related to the specific occupations of medicine, dentistry, physiotherapy and engineering. The Commonwealth Government accepted all but one of the recommendations: the recommendation for the replacement of the Committee on Overseas Professional Qualifications (COPQ) by a Statutory Authority

was rejected. But a Council on Overseas Professional Qualifications, with enlarged resources, was established.

While the recommendation on assisting the establishment of State Overseas Qualifications Units (OQUs) was accepted by the Commonwealth Government it was never actually implemented. In fact many of the recommendations were not implemented or only partially so.

As a consequence, criticism of the system for recognising overseas qualifications continued throughout the 1980s. In particular the Jupp Committee's *Review of Migrant and Multicultural Programs and Services* (1986) and the Committee to Advise on Australia's Immigration Policies (1988) were both trenchant in their criticism of the system. The report of the latter Committee (CAAIP, 1988: 54) stated that there was:

confusion, inefficiency and inequity. ...Unfortunately, little progress has been made. Reform has been caught in the rivalry between State and Federal jurisdictions, in protracted tripartite negotiations and in the acquiescence of government agencies to the restrictive practices of some professional associations.

The CAAIP report highlighted three major problems: the emphasis given to formal qualifications rather than skills; the fragmentary nature of the system and the discriminatory outcomes of the system. The CAAIP report identified the need for urgent reform but stopped short of offering suggested solutions.

In the meantime, skilled immigrants were coming to Australia in ever increasing numbers to fill the labour market shortages that continued to exist. The story of two such people who migrated to Australia from the Netherlands in 1983 is described in the following case study.

Case study

'We emigrated from the Netherlands to Australia in 1983. I was a road engineer and civil engineering technician. My wife was a sister in a mental hospital and worked as a deputy matron. ... Both of us had our certificates translated into English and signed by a judge of the district court as was requested by the Australian embassy. The Australian embassy accepted my qualifications as there was a need in Australia for people like us. ... After arriving in Australia I learned that my certificates as well as those of my wife's were not worth the paper they were written on. I tried for some 15 months to find a job in this field. I never even received an interview and was told "I don't care what the Australian embassy told you, we have a very high

standard here so we can not accept your certificates". ...I became an offsider at a printing press... My wife did not fare much better. Her qualifications were also of no value, now she is a nurses aid which means a nurse with no experience and no qualifications.'

As preparation for the National Agenda, the Office of Multicultural Affairs had issued a consultancy for a *Policy Options Paper on the Recognition of Overseas Qualifications and Skills*. This was undertaken in 1988 by Iredale and Bishop. In July 1989 the *National Agenda for a Multicultural Australia* (1989: 26) was launched, stating that:

[f]ailure to recognise overseas qualifications or to provide effective arrangements so that overseas skills and training can be upgraded, accredited and utilized, represents a major waste of the nation's human resources. ... While some immigrants may decide not to work in the field in which they are trained, many are prevented from entering professions, trades and jobs for which they are trained.

Research had also been undertaken in a number of specific areas. The Centre for Multicultural Studies at the University of Wollongong undertook research for the then Joint Commonwealth/State/Territory Research Program Steering Committee into the *Recognition of Overseas Trade Qualifications* (Castles et al.1989). The Centre also carried out research for the newly formed Bureau of Immigration Research into the *Recognition of Overseas Professional Qualifications* (Mitchell et al.1990).

As a consequence of the comments on problems of skills recognition in the CAAIP report, the then Minister for Immigration, Local Government and Ethnic Affairs, the Hon. Robert Ray, asked the National Population Council (NPC, 1988:7) to investigate the problems and provided them with the following Terms of Reference.

- To develop a preferred solution to procedures to accredit immigrant skills;
- To identify the implications of such directive for:
 - professional and trade bodies
 - trade unions
 - Federal and State Governments' legislation and administration; and
- To recommend administrative changes required to implement the solution.

A Working Party of the NPC consulted with industry, government and unions and presented a report to the Minister in December 1988 which recommended:

- the assessment of skills rather than just formal qualifications;

- a two stage assessment process—overseas for migration purposes and onshore competency testing;
- the development of a database or dictionary on up-to-date labour market information;
- integrated national, Commonwealth and State, institutional arrangements.

The NPC stressed the inter-relatedness of skills recognition issues and many other changes that were taking place in education/training and the labour market. A gradual implementation of the recommended model over a period of two to three years was seen as necessary and desirable. The Minister accepted the major recommendations of the NPC. The COPQ in DILGEA was discontinued and a new body, the National Office of Overseas Skills Recognition (NOOSR), was established within the International Division of the Department of Employment, Education and Training (DEET) in July 1989.

CHANGED INFRASTRUCTURE ARRANGEMENTS FOR HANDLING OVERSEAS QUALIFICATIONS

Federal Government

NOOSR's role, as stated in the Commonwealth's *Migrant Skills Improving Recognition Processes* (1989: 32) is, with the assistance of the States, professions, registration bodies and higher education institutions, to implement programs that are designed to:

- develop and promote national occupational skills standards based not on the type of qualifications held but on the skills and knowledge necessary to do the job in the everyday world;
- promote methods of skills assessment emphasising competence and experience rather than just formal degrees, diplomas and certificates;
- encourage co-operation on skills recognition between the Commonwealth, the States, the professional associations and registration bodies; and
- promote the provision of suitable bridging programs and access to education and training at post-secondary institutions to enable those with unrecognised skills to complete the education investment in their future.

At the same time, the National Advisory Committee on Skills Recognition (NACSR) was established by the Minister for Employment, Education and Training to advise on skills recognition and to complement NOOSR's role as the policy and program co-ordinator.

NACSR consisted of industry, union, community and government representatives. Key features of NACSR's brief (Commonwealth of Australia, 1989: 34) are to:

- advise the Government and NOOSR on important skills recognition issues;
- foster the development of fair and equitable competency assessment processes and the review of existing processes;
- join with NOOSR in promoting co-operative arrangements with Commonwealth and State authorities, employers, unions, professional bodies, registration boards and community groups;
- respond to Ministerial references on specific issues including to educate specific interest groups and the public on overseas skills recognition concerns; and
- report annually to the Minister for Employment, Education and Training.

To date NACSR has released three reports following from its first three references:

- *Reference 1: The Development of a Strategy for the Recognition and Promotion of Overseas Skills in Australia* (1990).
- *Reference 2: Provision of Vocational Information and Counselling to Prospective Skilled Migrants at Overseas Posts* (1991a).
- *Reference 3: Commonwealth Legal and Administrative Powers in Overseas Skills Recognition* (1991b)—which indicated that 'there is effectively a cocktail of powers upon which [the Commonwealth] could rely, if necessary, to directly effect registration of skills and qualifications' (Speech by the Hon. John Dawkins, 15 May 1991).

NACSR's first reference referred to working with employers to try to influence them to hire more overseas trained skilled workers. NACSR commissioned a private firm, Professional Public Relations, to conduct a Public Communication Strategy, commencing in June 1991, which was to consist of a series of 15 seminars with employers (*Migrant Skills Newsletter*, 1991c: 6). Seven seminars were subsequently held in Sydney, Canberra and Brisbane.

Following on from this, in April 1992 NACSR began a series of 'personal contacts with the top level of business' as a 'means of influencing major employers towards using fully the skills of existing employees and recognising the benefits which the overseas trained bring to an organisation' (*Migrant Skills Newsletter*, 1992a: 5). One of the issues to be raised in these meetings, according to this article, was the work of NOOSR and OQUs in assessing large numbers of skilled migrants in the light of surveys which 'have shown that some companies ignore overseas qualifications on the ground that they are irrelevant or too hard

to judge' . Practical programs for facilitating the employment of overseas qualified people were also discussed at these meetings.

NACSR received a further three references from the new Minister, the Hon. K. Beazley, in mid-1992. These are:

- **Reference 4:** Evaluate factors in addition to the recognition of qualifications, which have a negative impact on the employability of skilled migrants in Australia.
- **Reference 5:** Evaluate the extent to which lack of recognition of overseas qualifications is an issue of concern with particular para-professions and make recommendations aimed at redressing identified problems.
- **Reference 6:** Evaluate the adequacy of appeals provisions in professions and para-professions and whether there is adequate representation of overseas trained personnel in appeals processes.

State Governments

As well as these changes at the national level, there has been a corresponding sequence of changes at the state level. While NSW had been the first state to set up an Overseas Qualifications Unit in 1979, as a result of the 1988-89 NSW Fry Committee of Inquiry into the Recognition of Overseas Qualifications, in 1989 the Unit was expanded and relocated into the Department of Industrial Relations, Employment, Training and Further Education (DIRETFE). In the first two years it saw 12,000 clients: 5,000 in 1989-90 and 7,000 in 1990-91.

At the same time, and in response to Recommendation 8 of the Committee of Inquiry's report, the NSW Migrant Employment and Qualifications Board (MEQB) was established in 1989 with responsibility to the Minister of the Department and accountable to Parliament through an annual report (NSW Committee of Inquiry, 1989: 8). In its first two years of operation, the MEQB's work on overseas qualifications recognition focussed on the provision of bridging courses to approximately 450 people, the funding of coordinator positions (in the health, engineering, teaching and child care areas) to collect data and liaise with key bodies and the funding of 16 Special Migrant Placement Officers to assist with counselling, referral, job and training placement services. In terms of reviewing recognition processes, it participated in all national reviews as well as conducting a major review of teaching in NSW and assisting with the introduction of a means of assessing optometrists from overseas.

The South Australian Government had also established a state unit in 1987 in the SA Ethnic Affairs Commission to conduct a centralised referral and counselling service, to issue letters of assessment of qualifications and to establish a database. The issuance of letters of assessment was a function that till then had not been performed outside of COPQ. South Australia's database covers the clients who had attended by the end of July 1992 and provides vital information on rates of recognition, employment outcomes and obstacles to recognition and employment. The Unit undertakes follow-up surveys to update the information.

In November 1988, a major seminar titled *Recognition of Overseas Qualifications: Implications for Employment, Education and Training* was conducted in South Australia and the report of the same name was published. An Overseas Qualifications and Skills Board was formed in March 1990 with provision for a review of the Board in approximately two years. During the 15 months of its operation, before the review commenced in September 1991, the Board undertook wide ranging consultations to identify the relevant role of various agencies and to liaise with Federal and State authorities. At September 1992, the review of the Board was still underway.

In May 1988, the West Australian Government approved the establishment of a Skills Accreditation Section, including an Overseas Qualifications Unit, within its Department of Employment and Training. The Unit, integrated as it is within the Accreditation section of the Department, deals with the development of simpler, fairer and more flexible procedures to recognise skills and qualifications gained overseas, interstate and informally acquired, especially in the trade and technical areas.

The Victorian Government established a Task Force on Overseas Qualifications in 1988 to complement the Economic and Social Justice Strategies of the Victorian Government. An Overseas Qualifications Unit began operating within the Department of Labour in March 1989 and in its first two years it assisted 8,295 clients. The report of the Task Force, *The Challenge of Change: ENRICHING FUTURES*, made 34 general recommendations and four recommendations specific to three occupations—architecture, psychology and cooking (Victorian Taskforce, 1990: xv-xxxi). The first recommendation called for the establishment of a Migrant Skills and Qualifications Board which was subsequently set up in early 1991.

The Queensland Government established a Skills Recognition Branch in 1989 in the Department of Employment, Vocational Education and Training and Industrial Relations. The Branch has extensive functions including policy development and implementation,

research and projects, information system development, client services, training and project funding.

The Northern Territory Office of Ethnic Affairs operates an Overseas Qualifications Unit. The Unit has mainly been involved with organising bridging courses and in providing information and referral.

The ACT mainly uses the services of NOOSR but has a Vocational Training Authority which provides a skills recognition service for cooks and hairdressers.

Tasmania, with the assistance of a grant from NOOSR, conducted a feasibility study on overseas qualifications. The outcome is that the Quality Assurance Branch of the State Department of Employment, Industrial Relations and Training will now cover all qualifications, rather than just the trades.

The rationale for the establishment or expansion of State/Territory services was partially predicated on the Commonwealth Fry Committee's recommendations of 1982 regarding the need for state-based agencies to help meet the information and counselling needs of the overseas-trained. Nevertheless, the states did not receive federal funding. Each unit or board has had a slightly different charter but there is a high degree of congruity in their functions.

Whereas NACSR had been set up originally to include rotating membership between the States, and NSW, Victoria and Western Australia were represented first, this was altered in 1992 to provide for membership of all States and Territories. NACSR meets approximately four times a year to develop policies and review the rate of reform. In 1991 the Queensland Unit convened the Third National Conference of Overseas Qualification/Skill Recognition Authorities. The relevant roles of NOOSR and the State Overseas Qualifications Units were clarified. In addition, a more effective consultative mechanism was established.

Other Initiatives

Aside from these inquiries and changes which have all been 'immigration' or 'ethnic affairs' initiated or based, there have been a number of other investigations into overseas qualifications recognition processes in the last ten years. They have come from more of an 'economic' or 'labour market' perspective.

The Vocational Education, Employment and Training Advisory Committee (VEETAC) established in 1990 by the Commonwealth Government by combining the two organisations of Australian training. It is an advisory body to the Commonwealth State/Territory Ministers for Labour. One of the 14 Working Parties set up so far by VEETAC is concerned with the investigation of the Recognition of Overseas Skills. This follows on from the Commonwealth, State and Territory Departments of Labour Advisory Committee's (DOLAC's) Working Party that was established in 1989 to oversee a review of NOOSR's network of 17 expert professional panels and examining councils.

In 1990, VEETAC undertook or commenced an analysis of overseas skills recognition in teaching, engineering, nursing, dentistry, physiotherapy and accountancy. This was done in close cooperation with the States/Territories by means of a discussion paper and a final report. The review of the Australian Nursing Assessment Council (ANAC) recommended its abolition and the transfer of its functions to the new Australian Nursing Council (ANC). This was effected in early 1992. VEETAC commenced reviews in 1991-92 of panels and councils for overseas trained dietitians, occupational therapists, pharmacists, podiatrists, radiographers, social workers and veterinarians.

The Australian Medical Council (AMC) took over responsibility for the assessment of overseas medical qualifications from the Australian Medical Examining Council (formerly part of COPQ) in 1986. It announced a review of the AMC examination in June 1989. The pressure on the AMC's resources as a result of the number of candidates presenting for the examination as well as the 'persistent criticism of the AMC examination by candidates, their advocates and various government inquiries' (Iredale, 1990: 6) both contributed to the review. The Commonwealth and NSW Fry Committees, the CAAIP report and the Committee of Inquiry into Medical Education and Medical Workforce (1988) were all critical of the AMC and the examination in some way.

The AMC produced an *Interim Report, Working Party to Review the AMC Examination* (1990) and after the receipt of 40 submissions and further consultations it released the *Final Report of the Working Party to Review the AMC Examination* in July 1991. The final recommendations called for a two-stage model which includes a screening examination followed by streaming of overseas trained doctors into a number of paths for further clinical assessment of training. The provision for appeal is built in along with better counselling services. The other crucial change is that specialists are to be assessed by the Specialist Colleges. This will require considerable change in the attitudes and practices of some Specialist Colleges.

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Overall, the proposals are positive but a number of problems remain. The success of this model is dependent on the appropriateness of the screening examination and the availability of adequate training opportunities. The AMC Working Party defines competencies differently to NOOSR and the National Training Board (NTB). This will need to be resolved. The activities of the Specialist Colleges should be independently monitored to ensure compliance with the recommendations of the report.

Around the same time, *The Experience of Overseas Medical Practitioners in Australia: An Analysis in the Light of the Racial Discrimination Act 1975* was released by the Human Rights and Equal Opportunity Commission (HREOC, 1991). This report concluded that:

Many overseas trained doctors have been the unwilling and undeserving victims of Australia's rigid medical registration system. ... There can be no doubt that it is in effect a restrictive trade practice that preserves medical practice as a virtual 'closed shop' for local graduates. There is compelling evidence that it is also discriminatory within the terms of s.9 of the Federal *Racial Discrimination Act 1975* and therefore unlawful.

This conclusion is supported by the fate of attempts to reform the system over the last 10 years. Review after review has been held—and they have produced remarkably similar findings and recommendations. But little has been done to implement the recommended reforms. ... [I]t may become necessary to conduct hearings under the *Racial Discrimination Act* to determine formally whether the registration system contravenes the Act and is therefore unlawful and to make such other determinations as to co-operation and remedial action as may be considered appropriate (1991: 20).

To date there has been no pressure from overseas doctors for formal hearings to take place. The situation with respect to overseas trained medical practitioners is the only one that the Human Rights and Equal Opportunity Commission has considered to date. Individuals are known to have made representations to the Commission but their complaints have been handled on a confidential basis, in keeping with the provisions of the Act.

Overseas trained people have also complained or appealed, usually informally, to State Equal Opportunity Offices or Anti-Discrimination Boards. The *South Australian Equal Opportunity Act 1984* contained a section to prohibit discrimination on the basis of overseas qualifications. In 1991 the Act was amended to place responsibility for providing assessments on an informed basis onto the relevant registration and recognition bodies. To date there do not appear to have been any complaints lodged with the SA Commissioner for Equal Opportunity under the amended Act.

In 1988-90 the Law Reform Commission of Victoria conducted a Review of the *Equal Opportunity Act 1984*. The Review recommended an amendment to the *Equal Opportunity*

Act along the lines of the SA amendment. Unfortunately the recommendation was not adopted.

Most people do not appeal to such agencies as they are not familiar with this type of body, they fear retribution from the assessing authority or they see the process as being too long and costly. Moreover, people who have taken such action in the past have met with very limited success. What is needed is for an Ethnic Affairs Commission or a peak ethnic community organisation to run a test case. If such a case were successful it would alter the way in which overseas qualified people are handled by organisations.

THE DEGREE OF OCCUPATIONAL REGULATION IN THE AUSTRALIAN LABOUR MARKET AND RECENT ATTEMPTS TO DEAL WITH IT

In recent decades there has been an increased tendency for particular occupations to be restricted to those individuals licensed or registered to practice them or who have the appropriate membership of a professional association or trade union. Australia has one of the most highly regulated labour markets in the world, replicated on the British and American models. Over the last two centuries, the growth of occupational organisations of various types has been widely supported by Australian governments. Their participation in or support for organisations such as registration boards, trade unions and trades councils, etc resulted in widespread acceptance of the concept of control over entry to many occupations. The usual entry criteria were a particular credential or training program, character references, often citizenship or permanent residence status, sometimes religious or political affiliation and so on.

The amount of occupational regulation within the Australian labour market began to be seriously questioned in the 1980s. So far the debate has mainly been confined to the professions. Milne (1979) analysed the professions to see whether the purported 'public interest' argument, that is that controlled entry was needed to protect the public, held up. He concluded that the actions of the various groups were not consistent with their claim that they were protecting the consumer through the imposition of standards.

The degree of government involvement in, and support for, occupational regulation is a matter for concern and investigation. Milne also addressed the question of government approval and sanction to self-regulation. He concluded (1979: 83) that wealth transfer

'does appear to play a role in certain types of government intervention' and that pressure groups influence government decision making by their voting impact. The formation of a cartel may win the government new votes from the members of the cartel but not lose many votes from the large number of consumers, since each is only suffering a small loss.

Few other authors in Australia have tackled the issue of lack of competition in the professions. Nieuwenhuysen and Williams-Wynn in *Professions in the Marketplace* have provided the best overview. They argued for more competition in the professions and said (1982: 71) that:

Competition for professions does not imply complete freedom of entry. There is a clear need for qualifications which the public can recognize as prerequisites for professional practice. This has some restrictive effect on entry. But self-regulation has permitted professional associations to use entry barriers to serve monopoly profits rather than public interest.

In 1981, in a paper titled 'The Trade Practices Act and The Professions', Pengilley stated that:

I have no doubt at all that the professions are more than capable of living within competition law, and the next decade will demonstrate this. ... Protestations of the professions to be 'different' are seen by those outside ... as strong on assertion and short on fact. They see the professions as self-interested groups attempting to maintain a stance which business generally has been, or is being, forced to abandon.

Pengilley argued (1981: 45) that if professional groups did not move voluntarily from the more restrictive to a least restrictive regulatory system, then the Trade Practices Act should be used to change them. But Nieuwenhuysen and Williams-Wynn (1982: 62) saw little possibility of a constitutional amendment to the *Trade Practices Act* to achieve this as professions are 'supposedly excluded from the Act, since most private practices are not incorporated, and associations are not trading or financial corporations'.

Stutchbury, writing in the *Financial Review* ten years later, in 1992, tackled the question of lack of restrictive practices in the legal and medical professions. His article on reforms in the UK which have allowed new entrants to undermine the legal cartel's market dominance ('Thatcher reforms break lawyers' cartel ', 8 January, 1992) was followed by two articles on the restrictions on competition in the Australian legal profession.

In his article on the medical profession, 'Over-supply of medico monopoly power' (*Financial Review*, 26 February, 1992), Stutchbury argues that the over-supply of doctors is exaggerated and 'Government and Opposition talk of over-supply is symptomatic of the political power of the doctor's monopoly and its producer control over the market for

medical services'. Stutchbury goes on to say that '[w]hile the legal monopoly is protected through the lawyers' capture of Parliament and the judiciary, the medico monopoly is enforced by capture of its regulatory bodies and periodic mass withdrawal of guild labour from public hospitals'.

Throughout the 1980s, the legal profession and accountants were subjected to external reviews which led to some reforms, and the Trade Practices Commission examined a number of professional self-regulatory schemes. In order to control or deal with the increasing level of occupational regulation, both the Commonwealth (in 1985) and the Victorian, New South Wales, South Australian, Queensland and Tasmanian State Governments (from 1984) all established Regulation Review Units. The Commonwealth's Business Regulation Review Unit had little effect on occupational regulation. All but the Victorian Unit were set up with a minimum of political willpower and so their impact was minimal.

In 1989, the Commonwealth Government formed a new body called the Industries Commission which subsumed the Commonwealth's Business Regulation Review Unit and the Industries Assistance Commission, along with a couple of other bodies. In 1992, a report of the Industries Commission, *Exports of Health Services*, stated that tight controls appeared to go well beyond patient protection. The report said that there was evidence that the regulations have been used as a device to restrict competition within the medical profession.

In 1990, the Trade Practices Commission (TPC) commenced the conduct of a general study of competition in the markets for professional service in the face of protests about its value by the Australian Council of Professions in Canberra (Wallace in the *Business Review Weekly*, 25 May 1990). The TPC's inquiry was supported by the Federal Government's Economic Planning Advisory Council (EPAC). The TPC's first paper *Regulation of professional markets in Australia: issues for review*, was released in 1990 and stated that 'the Commission's study should be seen in light of the broad community acceptance of the need to improve the competitiveness and efficiency of all sectors of the Australian economy'. The paper outlined the Terms of Reference and described the two major types of regulation that were being investigated: conduct regulation (rules governing the conduct of participants) and structural regulation (the structure of the relevant market) (1990: 2). The purpose of the TPC's study into regulation in the professions was to assess whether existing regulations were 'still in the public interest and to identify areas where regulatory reform would provide net benefits to the community' (TPC, 1992a: 11). The aim is to find the balance between regulation and competition which best meets the public interest.

Structural regulation is of interest here and refers to:

- control over entry to an occupation or market by means of licensing, registration or certification, and
- functional separation of the market into areas of practice or specialisation which do not compete with each other.

According to the TPC's Discussion Paper (1990: 4):

Restrictions on entry to the professions—as well as ensuring minimum levels of competence—tend to weaken competitive forces. For example, the OECD reports that limitations on the capacity of accredited educational facilities has resulted in quotas for admission to professional schools in a number of countries.

Differences in entry requirements between States and Territories can restrict the mobility of professionals preventing them from responding readily to regional changes in demand for services. Qualifying standards can also restrict or prohibit entry by professionals with overseas qualifications.

The Discussion Paper was designed to promote public input and consideration of the issues. The first major issue canvassed in the paper referred to the uneven coverage of the *Trade Practices Act* in relation to the professions. Individual professions, individuals within the professions and different States and Territories are subject to the competition provisions of the *Trade Practices Act* to different degrees.

The *Trade Practices Act* seeks to maintain and encourage competition but market imperfections and externalities may lead to market failure or a misallocation of resources. The *Trade Practices Act* is a Commonwealth statute and thus has jurisdiction only in areas in which the Commonwealth has powers to legislate. It is also limited by s.51 which exempts conduct within a State or Territory if it is specifically authorised by that State or Territory's legislation.

The TPC (1992: 12) points out that 'these limitations and the need to consider their effect were recognised' in the Prime Minister's statement of 12 March 1991, *Building a Competitive Australia*. The Prime Minister, in convening the May 1991 Special Premiers' Conference, urged a positive examination of all that could be done in relation to the professions (TPC, 1992a: 13) to 'widen the ambit of the *Trade Practices Act* to bring such excluded areas within the scope of a national framework of competition policy and law'.

The TPC believes that this process undertaken by the Prime Minister has 'the potential for great benefits'. In its own study the TPC (1992a: 13) stated that it:

will closely examine relevant State and Territory regulations to ensure they manifest a legislative intention to authorise or approve conduct that would otherwise breach the *Trade Practices Act*. Where it is assessed that such conduct is not in the public interest the Commission will seek to:

- ensure the conduct is modified to comply with the *Trade Practices Act*, where the conduct is not specifically authorised by State or Territory legislation; and
- persuade relevant governments to amend legislation, where the conduct is specifically authorised by that legislation.

After the release of the Discussion Paper the TPC moved onto a number of specific occupational studies: accountancy, architecture and law. The papers that have been released to date will be analysed for their comments on access of overseas trained professionals to the occupation in the following section.

OCCUPATIONAL REGULATION AND THE IMPACT ON SKILLED IMMIGRANTS

The amount of occupational regulation within the Australian labour market, and the adverse effects for immigrants arriving with overseas qualifications, has been the subject of relatively limited debate until now. The Commonwealth Inquiry into the Recognition of Overseas Qualifications made a number of references to this issue. For example, in explaining why some immigrants have not been successful in getting their qualifications recognised the Fry Committee said (1982: 36-7) that there has been:

... a confusion of manpower and assessment issues in that recognition has sometimes been withheld because an occupation was perceived as being, or likely to be in the near future, in a situation of over supply. ... Finally, the Committee is of the strong opinion that accreditation and manpower or employment issues are, and should be kept, distinct.

Further, the report noted the increased level of occupational regulation and stated (1982: 49) that 'the profession may have a vested interest in who or how many gain entry to the profession'.

In 1988, the Prime Minister's Advisory Council on Multicultural Affairs, in its discussion paper *Towards a National Agenda for a Multicultural Australia* (1988: 77) said that:

There is no central system for recognising overseas qualifications and no such system is possible within Australia's federal and occupational structures. ... It is a system tailor-made for closed shops and one entirely at odds with the strategy for increasing Australia's exposure to international competition.

Later that year the CAAIP report (1988: 21) as indicated above talked about 'the acquiescence of government agencies to the restrictive practices of some professional associations'. These two reports referred to the restrictive practices in the professional areas but the NSW Committee of Inquiry into the Recognition of Overseas Qualifications stated (1989: 21) that:

the evidence before the Committee suggests that the high level of regulation controlling entry to occupations militates against the overseas trained. ... [I]f procedures for assessment and recognition of overseas qualifications are open, fair and equitable, ... the perceptions of closed shop activities may be dissipated to some extent.

The first individual occupation to be considered by the Trade Practices Commission was accountancy. An Issues Paper was released in March 1991, followed by a Draft Report and a Final Report in July 1992. Since this is the only occupation that the TPC has completed, it will be discussed in some detail. For the remaining occupations that the TPC has commenced to investigate, architecture and the legal profession, only a brief discussion of the issues will be presented.

The Trade Practices Commission's Inquiry into Accountancy

Entry to accountancy is not controlled and there are no broad licensing or certification requirements for accountants. Nevertheless, the relevance of entry standards into the profession arises at three levels: self-regulatory standards that are required for membership of professional bodies; statutory standards that require registration in certain limited areas such as taxation, audit and insolvency; and market standards that have come to be expected of people claiming to be accountants.

Since the late 1960s, the central focus of self-regulatory standards in the accountancy profession in Australia has been on tertiary qualifications. The two major professional bodies, the Australian Society of Certified Practising Accountants (ASCPA) (formerly the Australian Society of Accountants-ASA), and the Institute of Chartered Accountants in Australia (ICAA) both require completion of an approved three year accounting degree from an Australian University as a basic entry standard. Both have special provisions for members of prescribed overseas accountancy bodies and general 'catch-all' provisions allow entry, for example, where the person has extensive accounting experience.

The TPC concluded that because certification, rather than registration or licensing, exists no major competition issues arise in the procedures adopted by the major professional bodies to regulate entry. A non-member of a professional body is free to operate in the market and

the current approach operates in such a way as to establish that a member of a professional body has a known minimum standard of competence and experience.

In relation to the assessment of overseas qualified accountants, however, the TPC found (1992b: 54) that 'the application of entry standards has led to consequences that can cause serious inconvenience and hardship for the individuals'. Membership of the ASCPA has been denied in recent years to accountants who are members of two British bodies, the Chartered Institute of Management Accountants (CIMA) and the Association of Chartered Certified Accountants (ACCA), on the basis that their qualifications are not adequate. On the other hand, the ICAA accepts the CIMA and ACCA qualifications as sufficient for admission to the professional year which is required before full membership of the ICAA is granted.

The TPC suggested (1992b: 54) that:

a more flexible approach to the consideration of whether a person satisfies the entry requirements would not undermine the efforts of these bodies to maintain a high standard, while at the same time allowing individuals the opportunities of practising with the advantages of membership.

The TPC saw this as a matter for the professional bodies and found that it did not lead to adverse effects on competition in the market for accountancy services as a whole. The TPC did, however, identify two related issues for overseas trained accountants. The first has already been alluded to and refers to failure to accept some overseas professionals for membership of the professional body. This could affect the person's standing as an accountant without prohibiting them from practising. They fail to gain the advantages that membership of the professional body may bring.

The second issue relates to the fact that failure to acquire membership of one of the major professional associations may result in the person's application for migration being unsuccessful. While ultimate responsibility for the assessment of overseas professional qualifications under the professional entry criteria into Australia lies with the Department of Immigration, Local Government and Ethnic Affairs (DILGEA), since July 1989 when NOOSR was formed all requests for assessment of accounting qualifications from prospective migrants have been handled directly by either the ASCPA or the ICAA. The TPC points out that the Accountancy Panel of NOOSR which is responsible for the assessment of accounting qualifications has not met since July 1989 (1992b: 60). In fact, the VEETAC report on accountancy has recommended that the Accountancy Panel be disbanded and replaced by a 'wider representative base and a mandate including the development of

the principles outlined in the Federal Government's *Migrant Skills Reform Strategy*' (TPC, 1992b: 60).

The problem identified by the TPC relates to a number of inconsistencies. First, members of the ACCA were accepted for membership of the ASCPA for a period of 20 years until 1989. The ASCPA argue that they introduced the requirement for a three year degree to eliminate the anomaly whereby an overseas trained accountant without a tertiary qualification could gain membership while an Australian trained accountant could not. On the other hand, the ACCA argues that the change in policy coincides with the increased migration of ACCA members from Hong Kong to Australia and 'was in part motivated to restrict entry and competitiveness in the profession' (TPC, 1992b: 60).

Second, while the NOOSR Panel in General Academic Qualifications has determined that membership of the ACCA and CIMA should be assessed as 'comparable to the academic level of an Australian Bachelor's degree, the ASCPA's opinion is that such an assessment is insufficient to meet the requirements of its own By-laws that the person hold a "Bachelor's degree recognised by NOOSR"' (TPC, 1992b: 60-1).

Third, and of most importance for the Government's *Migrant Skills Reform Strategy*, is the contradiction that has developed in the way that the policy is formulated and implemented. The handing over of all assessments of accounting qualifications by DILGEA and NOOSR to ASCPA and ICAA means that the only way to acquire the maximum points (60 to 80) for migration purposes for 'recognised' overseas accounting qualifications is either to:

- to satisfy the ASCPA's standards, that is to be in possession of a degree comparable to a three year Australian accounting degree—based on the NOOSR guidelines, or
- to undertake the 'Challenge Course', a topping-up course offered by ICAA, which is only available to Australian residents.

As the TPC points out, the latter is not open to potential migrants and therefore is not an alternative avenue for skills based entry to Australia.

Finally, the TPC (1992b: 61) points out that the VEETAC background paper also observes that 'reliance on the NOOSR guidelines for assessment of comparable qualifications, makes it virtually impossible for those trained outside the formal tertiary education sector to have qualifications recognised'. The *Migrant Skills Reform Strategy* as pointed out earlier stressed the need to assess competence and experience rather than formal degrees

but the implementation of policy at the pre-migration stage is not giving effect to this concept.

In terms of its brief, the TPC concluded (1992b: 62) that:

careful thought should always be given to standards for entry. Even where unnecessarily high standards do not have a significant effect on competition, there can be 'harsh treatment' of people with qualifications or experience equivalent to many who are currently practising in Australia. Users of accounting services may be unnecessarily denied the availability of service providers who might effectively contribute to the Australian economy.

In terms of competition within the Australian economy, therefore, the overall effect of inflexible and non skills-based entry standards may be limited but there may be a flow-on effect in terms of preventing the entry of skilled overseas accountants into Australia. The TPC concluded that where the assessment of overseas qualifications is delegated to self-regulatory bodies, there should be an independent right of appeal by those adversely affected by the criteria applied.

The problem with this recommendation is that potential migrants have little knowledge of appeal mechanisms in Australia and they would be unlikely to be successful with such a mechanism where they would be appealing from overseas. Equal opportunity, anti-discrimination and general human rights legislation has been used to a very limited extent by immigrants, and appeal mechanisms would probably also be inaccessible to potential or recently arrived immigrants.

Alternatively, the TPC suggests that the VEETAC report may lead to the elimination of some anomalies in the present procedures and that additional developments towards competency based assessments, as encouraged by NOOSR, may assist.

The Trade Practices Commission's Inquiry into Architecture

The Draft report for architecture (TPC, 1992a) addresses the issue of the recognition of overseas qualifications from a more descriptive angle with little critical analysis of the consequences of the current procedures for immigrants or potential immigrants. As with accountancy, there is no prohibition on other service providers working in building design services but there are restrictions on the way they describe themselves and their services. The TPC points out (1992a: 4) that: 'Although there is some variation in the rules, certification of the title 'architect ' under State and Territory legislation restricts use of the title and its derivatives to persons who have satisfied prescribed training and experience requirements'.

State/Territory legislation and the Royal Australian Institute of Architects (RAIA) have established that entry to the architectural profession requires the completion of three steps: completion of an accredited course at a tertiary institution (usually five years); two years of practical experience; and passing of an architectural practice examination. Overseas architects who received their training in educational institutions in nine countries—NZ, US, UK, Canada, Hong Kong, India, Ghana, Ireland and Kenya—are automatically accepted as having had equivalent training by the Architects Accreditation Council of Australia (ACA), which was established in 1972, and by NOOSR. These people need only fulfil the practical experience and practice examination steps of the certification process (actually called registration process). In migration terms, such people would be able to accrue the maximum number of points for 'recognised' qualifications.

Architectural schools in 56 countries are not on the ACA Approved Qualifications List. Applicants from schools in these countries must bring to Australia all their original documents relating to educational qualifications, character references, employment experience and a portfolio of drawings or other materials illustrating work carried out.

The outcome of this situation is that potential immigrants from all but the nine countries, other than those in the family reunion or refugee categories, would be excluded under the current points system as a 'final assessment of qualifications can only be completed in Australia' (TPC, 1992a: 112). This situation precludes architects from migrating under the skilled migration categories from other than some Commonwealth countries or the United States.

The fact that this anomaly has not been addressed needs to be considered by the TPC in the same way that it considered this issue in relation to accountants. The difference here is that there is still a very heavy bias in favour of Commonwealth and English speaking countries whereas in accountancy there seemed to be a move towards eliminating such a bias.

The Trade Practices Commission's Inquiry into the Legal Profession

Unlike accountancy and architecture, entry to the legal profession is by way of a licensing scheme governed by statutory and professional regulation. The TPC points out (1992c: 18) that 'licensing confers an exclusive right of practice on those practitioners who have achieved a recognised level of training, qualification and/or probity'.

The TPC released its Issues Paper on the legal profession in July 1992 and the Final Report is not due until May 1993. In its Issues Paper it flagged the issue of the recognition of

overseas qualified lawyers by asking (1992c: 44) 'In what ways do the different practice and residency requirements exclude interstate or overseas practitioners from competing with local practitioners? What are the public benefits of these requirements?'

It is too early to tell how this issue will be addressed by the TPC. At the moment, the major debate is about the structural division of the legal profession into solicitors and barristers and whether this can be addressed where previous efforts have been unsuccessful. The NSW Law Reforms Commission's attempt to reform the legal profession in the early 1980s 'came to little', according to Slee (1992: 8), but the push by the TPC and the Senate Costs of Justice Inquiry 'is now focused in a way that allows the solicitors to come behind it comfortably. Economic change has also had an effect'.

It remains to be seen what the TPC's investigations will reveal about overseas trained lawyers. At the moment, the requirement for specific training in the British system of law excludes most overseas trained lawyers from the profession, with the exception of those trained in similar systems. The latter are required to top up their training with some Australian law segments. This has the same effect as in the other two occupations in that most legal qualifications are not recognised offshore and therefore, the requisite number of entry points cannot be achieved to enable migration to Australia.

THE RECOGNITION OF SKILLS RATHER THAN QUALIFICATIONS

One of the most dramatic changes that has taken place in the Australian economy in the last five years is the move towards improved 'skills formation' and the 'recognition of skills'. The National Board of Employment, Education and Training (NBEET, 1991: xi) says:

The idea of 'skills formation and recognition' has a currency in Australia which could hardly have been imagined even five years ago. It rests on a widespread dissatisfaction with past ways of developing human capacities and an exciting sense that there are new and better ways of going about the task.

Like many other Western countries, Australia had reached a situation where most 'real' learning was perceived to take place in educational institutions and the production of a credential was seen as evidence that learning had in fact taken place. Much of the new approach grew out of the experience of the metals industry and from the aspirations of key

sections of the union movement. The core ideas of the new approach, according to NBEET, (1991: xi) are that:

- more learning effort should focus on the workplace;
- we should be more open to different ways, times and places of learning; and
- we should be more systematic about assessing and recognising what has been learned.

In relation to the assessment of immigrants for employment purposes, the situation had been highlighted for a number of years. Iredale (1987 and 1988) and the National Population Council Working Party (1988) had pointed out the problems with assessing overseas qualified immigrants on the basis of their qualifications only. This had mainly taken place in the professions and technical areas as there was scope under the TRRA for skills or competencies to be assessed on the job and for work experience to be taken into account.

'Competency' has been defined in the *National Competency Standards Policy and Guidelines* (National Training Board, 1991: 2), as 'the ability to perform the activities within an occupation or function to the standard expected in employment'. 'Competency-based standards', in turn, are 'concerned with the identification of the personal characteristics that contribute to competency and specification of how these characteristics are applied and reflected in competent performance in the workplace' (NOOSR, 1992:3).

The NOOSR paper, *A Guide to Development of Competency Standards for Professions*, (1992: 8) states that:

... the traditional processes of evaluation of overseas qualifications (sometimes as a prior condition to examination) and examinations based on skills and knowledge (often related to a final-year university exam) have proved unsatisfactory as a means to recognise competence. These mechanisms do not provide candidates with an adequate opportunity to demonstrate their real occupational competence. In addition, the recognition processes in Australia have often been fragmented, with the registration and licensing boards of States and Territories applying different criteria for entry to practice. The development of national Competency Standards has become pivotal to NOOSR's initiatives to reform current practice in overseas skills recognition.

Besides assisting those with overseas qualifications, the move to Competency Standards also supports the Government's strategies for overall reform of the Australian labour market. An important outcome will be a resolution of the differences in standards that currently restrict national mobility in the workforce. Competency Standards will also facilitate articulated training, industry progression and award restructuring.

The NOOSR paper (1992: 20) attests to:

...the value of Competency Standards for efficient and equitable recognition of overseas qualifications....In essence they offer an effective means to recognise prior learning and experience. This is a more equitable means to recognise the competence of overseas-trained professionals than a comparison of qualifications, which can be an expensive and uncertain process.

In December 1990, NOOSR commissioned two Discussion Papers in an attempt to develop the thinking in this area and to assist with the development of National Competency Standards on an *occupational basis*. The papers were *Establishing Competency-based Standards in the Professions* (Gonczi, Hager and Oliver, 1990) and *Competency-based Assessment in the Professions* (Masters and McCurry, 1990).

NOOSR's responsibility (1992: 8) in this process has been to:

work cooperatively with the States and Territories to implement programs designed to:-

- develop and promote national Competency-Based Occupational Standards based on skill, knowledge and attitudes necessary to do a job;
- promote methods of skills-assessment, emphasising competence and experience; and
- encourage cooperation on skills recognition between the Commonwealth, States, professional associations and registering bodies.

The other major body that has been active in the development of Competency Standards is the National Training Board (NTB). The NTB commenced operations in April 1990 as a public company whose owner members are the Commonwealth, State and Territory Ministers responsible for vocational education and training. Its role is to assist industry to develop and then endorse national Competency Standards for occupations and classifications in industry, or for enterprise awards or agreements. Thus the NTB is developing Competency Standards on an *industry basis* covering 'those occupations which will have standards of entry determined by industries' up to the para-professional level (NBEET, 1991: 53). In contrast, NOOSR assists the 'para-professions and professions to determine their own standards'.

To date NOOSR has provided funding in more than 20 professional areas. Nursing is the most advanced and is now at the stage of developing methodologies to support competency standards already developed. Occupational therapy, dietetics, physiotherapy and architecture have begun to develop competency standards. The remaining occupations that NOOSR has assisted so far are: accountancy, agricultural sciences, chiropractic, dentistry, engineering, optometry, osteopathy, pharmacy, podiatry, psychology, radiography/nuclear medicine, social/welfare work, speech therapy and veterinary science.

Competencies for the teaching profession are to be addressed within the National Project on the Quality of Teaching and Learning while the AMC has begun to develop Competency Standards in medicine through an AMC expert panel.

Priority for NOOSR funding has been towards professions that are currently regulated in some or all States/Territories. NOOSR's support for the regulated professions increased following the requirements of the Special Premiers' Conference, first convened by the Prime Minister in October 1990, that national competency standards be in place for all regulated occupations by the end of 1992.

Accompanying the development of competency based standards, and in fact dependent upon it, is the move towards the mutual recognition of qualifications across state borders that is to take place in 1993. In December 1990, the Premiers and Chief Ministers agreed at the Special Premiers' Conference that mutual recognition of occupational licensing and professional recognition would occur in Australia. At the November 1991 Conference the details were decided upon. The arrangements apply in occupations that are substantially the same across State/Territory borders and where there is regulation in one or more States/ Territories.

The mutual recognition system will allow a person who is registered to practice an occupation in one State or Territory to be able to be registered and carry on the equivalent occupation in any other State or Territory. They must notify the authority in the State or Territory in which they wish to work and the authority has one month 'to consider the notification and may, at that time, refuse registration if the occupation as practised in the first State is not substantially the same as the occupation as practised in the second State' (NACSR, 1991e: 7).

If registration is refused the person may appeal to the Administrative Appeals Tribunal (AAT). The AAT may make decisions on individual cases and generally on the equivalence of occupations across States. After an appeal that is unsuccessful, the relevant Ministers in the States concerned must be notified. Ministers then have the authority to determine what standards need to be applied to resolve problems of 'non-equivalence' and to declare occupations as equivalent or not. Differences are to be resolved by 'national competency standards or other agreed standards' (NACSR, 1991e: 7).

Sir William Keys, the Chairman of NACSR, expressed 'great disappointment' at this model. In the *Migrant Skills Newsletter* (1991d: 1) he described the outcome:

...as only achieving a streamlining of the reciprocal arrangements which currently exist between registering and licensing authorities. ...The Special Premiers' Conference could have grappled with and resolved some of the very real differences between these regulating bodies. ...Instead, our Heads of Government have accepted a model of mutual recognition which will at best live with these differences and at worst entrench them by allowing regulatory authorities to gain a Federal Court declaration to permanently exempt them from recognising registration or licensing by another State or Territory.

The arrangements were finally agreed upon in May 1992 with the States and Territories agreeing to enact legislation in their jurisdictions by 31 October 1992 to refer power to the Commonwealth in the area of mutual recognition, as the Commonwealth has no constitutional power in this area. For its part, the Commonwealth agreed to enact national legislation by 1 January 1993, to be proclaimed by 1 March 1993, which will cover the detailed conditions of mutual recognition.

Along with mutual recognition it is intended that the issue of inconsistencies in registration between States and Territories will be looked at. There has been agreement that occupations that are not registrable in all States/Territories will be rationalised. Any occupation not registered in all jurisdictions is to be deregistered unless there are overwhelming reasons for retention of registration. The criterion for determining whether registration should be retained is an overwhelming case that registration is necessary on public health grounds. The VEETAC has been allocated the task of developing a national approach to this issue by December 1992.

The role that NOOSR has acquired in the development of competency standards in the professions grew out of its concern to ensure more equitable assessment of overseas qualified professionals and para-professionals for entry to their occupations. In fact, it has become responsible for promoting the development of competency standards, especially in the regulated professions. It has done this in close liaison with the NTB. NOOSR has ensured that the NTB's requirements are reflected in its own requirements for the professions.

Such a wide brief has been demanding for NOOSR in terms of both human resources and costs. By default it seems to have been given responsibility by the Federal Government for overseeing the development of competency standards in the professions.

In the trades area, the assessment of overseas qualifications that fall under the TRRA has remained with the Commonwealth Department of Industrial Relations (DIR). The NBEET report states (1991: 18) that 'there has been direct recognition of skills and overseas qualifications for selected trades through the TRRA ever since the second world war ...'

There is a two staged process for the recognition of TRRA trade skills. Many people who are assessed before migration have their training and on-the-job experience assessed against formal training criteria that have been developed for 44 countries. These are called criteria countries by the DIR. Non-criteria countries are those countries where profiles of training systems and work patterns have not been developed, mainly due to lack of number of applications from these sources. But increased applications from the former USSR and other Eastern European countries, the People's Republic of China and South Africa are putting pressure on the TRRA section of DIR to consider undertaking tripartite missions to these areas to develop formal criteria based on both training and/or work experience.

Where there is doubt about a person's skills, trade-qualified DIR staff may interview the person or conduct an on-the-job inspection. While the technique is not the ideal form of competency based assessment, the technical advisers are trained to assess whether a person's training and experience will fit them to perform the skills required in their trade in Australia. From these processes, people are mostly assessed as having 'acceptable' or 'nonacceptable' skills if their application is completed. A proportion of applications lapse. In some cases people want to actually acquire 'recognition' before they migrate and these cases are referred to the Central Trades Committees (CTCs). Trades recognition certificates are either granted or refused at this point.

The second stage, the granting of recognition, normally takes place in Australia. Once in Australia people are assessed in the same way by the Local Trades Committees (LTCs), with on-the-job inspections being preferred to trade tests where there is a question as to the person's competency. However, if the person is unemployed a trade test will be necessary. LTCs in each state issue certificates to permanent Australian residents.

The LTCs and CTCs are comprised of government, industry and union representatives which ensures a close link is maintained with award restructuring and training developments in the TRRA trades. This helps to ensure the continued validity of the assessments.

In 1988, the DIR commissioned a review of the TRRA by Tregillis. Tregillis (1989) analysed the whole performance of the TRRA, including the DIR's role, the CTCs and LTCs, the procedures used, the Technical Adviser Service, the Tripartite Overseas Missions, the relationship between the TRRA and award restructuring, and other changes to do with technology. Tregillis acknowledged the value of the TRRA but found that a number of elements needed attention. In particular, he said that the DIR had not paid

enough attention to the trade recognition function, there were delays in the assessment of migrants' qualifications and there was rigidity in the recognition process.

As a consequence, the TRRA was extensively re-vamped. One of the changes has been a rationalisation of the number of TRRA trades from 69 to 51 metal and electrical trades, including the elimination of redundant trades. Again in 1991, the DIR commissioned Tregillis to evaluate the changes that had been made to the TRRA since the 1988/89 review. The 1991 Tregillis report, *An Evaluation of the Tradesmen's Rights Regulation Act*, stated that most of the recommendations made two years earlier had been put into effect. It found that the turnaround time for the assessment of qualifications had been reduced from six to eight months to 90 days, 2,716 certificates were granted to selected migrants compared with 816 in 1988-89 and a significant improvement in the 'successful' recognition rate had been achieved.

Overall, Tregillis found that the TRRA system was functioning smoothly and efficiently. Nevertheless, in the interest of further refinement and continued efficiency, Tregillis made a further 39 recommendations in 1991. He supported the continued assessment of TRRA trades in the current way by the DIR and recommended the expansion of assessments by DIR staff into non-TRRA trades, currently assessed by DILGEA, for a fee.

In relation to restructuring and the move to competency based standards, Tregillis highlighted a number of major areas. Recommendation 30 (Tregillis, 1991: 36) reads as follows:

The industrial parties should in the period leading up to the development of skill standards and the implementation of competency-based training and assessment consider their policies on the following major issues:

- the basis on which the skills of migrants in metal and electrical trades are to be assessed
- whether such assessment overseas is to be carried out under TRRA or some other national mechanism
- the recognition procedures for migrants once they reach Australia whether they arrive under the skilled and independent categories, under family re-union or as refugees
- which body or bodies are to carry out the recognition procedures.

The NTB is responsible for the endorsement of competency standards in the trades as part of the development of standards in various industries. As the NTB endorses national competency standards in individual trades, the TRRA will assess against such standards. The slow progress so far towards the endorsement of competency standards has encouraged the DIR to develop 'schedules of competence' in particular trade areas and to assess against

these schedules. When the NTB-endorsed national competency standards in particular trades become available the DIR will modify their schedules of competence to suit.

In 1991-92, significant effort was devoted by the DIR to diversifying the trade-testing infrastructure within Australia. The aim of this was to further speed up the assessment process, minimise the cost to applicants and to move towards a competency standards-based assessment process.

At the same time, and as pointed out above, many industry groups have embarked on identifying the skills or competencies of occupations in their industries. Once this process is completed, both Australian trained and overseas trained workers should theoretically be able to undergo a skills audit and then go to the Industrial and Commercial Training Commission (ICTC) for certification or recognition of their skills. The ICTC is a tripartite body set up to provide advice to Government and industry on training needs and programs. One of the problems at the moment is the identification of different competencies for the same occupation in different industries. This will need to be resolved before uniform national competencies are developed against which the ICTC may make assessments.

In 1991, NBEET commissioned a consultancy project to report on the progress in improving skills recognition. The consultants found disparate views ranging from surprise and acclaim at the speed of change and cooperation to criticism that there had been change in 'the infrastructure rather than in delivery mechanisms'. It was reported (NBEET, 1991: 77) that 'the NTB and NOOSR are only just beginning to generate 'products' which can be seen or used ...'

To date NOOSR has produced five reports on competency based standards: three general reports and two on the specific occupations of nursing and dietetics. As yet, however, there has been no general move towards assessing immigrants, actual or potential, on the basis of their competencies. Nursing is closest to reaching that point but unless the examinations are conducted offshore, given the new migration points system, there will be few candidates. Only people who arrive in the family reunion and humanitarian categories or who arrive as non-principal migrants would be able to be assessed.

Overall, the NBEET report found 'the rate of development of the infrastructure of skills recognition, and particularly the emergence of a genuinely national approach and machinery' to be startling. It canvassed broad issues that remain to be resolved and discussed future management and the direction of change. One issue discussed was the administrative arrangements. The Report stated (NBEET, 1991: 32):

The NTB, NOOSR and RATE [Register of Australian Tertiary Education] are all national organisations, but none has any substantial responsibility for the funding, management and co-ordination of the emerging national system of skills formation and recognition. The nearest thing to such a body is the VEETAC,...

The way bodies have assumed responsibility for various facets of the move to improved skills recognition is a matter for the Government to consider.

EVALUATION OF THE EFFECT OF THE CHANGES FOR IMMIGRANTS QUALIFIED OVERSEAS

Recognition Outcomes

Any evaluation must, by necessity, be broad and non-specific. Lack of statistical data still plagues the area of overseas qualifications recognition with South Australia being the only state that is able to supply accurate figures on clients who present to the State Overseas Qualifications Unit. Individual occupational areas may compile statistics that demonstrate success rates but this again only incorporates people who apply to them for recognition.

The preceding sections illustrate an enormous flurry of activity in terms of reviews, establishment of new infrastructure and changes in associated fields that will impact on overseas qualifications recognition. There appears to be a cooperative environment in which all States and Territories are actively engaged in pursuing migrant skills recognition strategies and labour market reforms.

A number of major issues need to be addressed in terms of evaluating the impact on the outcomes for immigrants. First, NOOSR itself seems to be still operating on the basis of the comparative assessment of overseas qualifications. In its second year of operation, 1990-91, NOOSR completed 10,279 comparative assessments with a 65 per cent success rate. At the same time it conducted 591 professional examinations in seven professions, with a 59 per cent pass rate.

The published NOOSR comparative assessment and examination statistics (NACSR, 1991c: 63) are not separated out by region for pass rates. But they show that overall in 1991 the following situation prevailed.

Table 3: Comparative assessment and examinations, 1990-91: recognition or pass rates by region of training

<i>Region of Training</i>	<i>Cases (No.)</i>	<i>Recognised or passed (%)</i>
1. Oceania	346	61
2. UK and Ireland	2,569	83
3. Southern Europe	260	62
4. Western and Northern Europe	309	51
5. Eastern Europe, USSR and Baltic States	813	62
6. Middle East and North Africa	722	58
7. Southeast Asia	1,001	48
8. Northeast Asia	2,081	62
9. Southern Asia	1,386	58
10. North America	730	76
11. Sth. America, Cent. America and Carib.	359	53
12. Africa (excluding North Africa)	294	63
TOTAL	10,870	65

Source: NACSR, 1991c, p. 63.

Professionals, para-professionals and technicians from the UK and Ireland had an 83 per cent recognition rate, followed by 76 per cent for North Americans and 62 per cent for those from Southern Europe, Eastern Europe, the former USSR, the Baltic States and Northeast Asia. Those with the lowest success rates were from Southeast Asia (48 per cent) and Western and Northern Europe (51 per cent).

These rates reflect a continued bias in favour of qualifications most similar in content to Australian awards. Continued reliance by NOOSR on its own guides, such as the *Compendium of Guidelines for Assessment of Overseas Qualifications 1991-92*, has perpetuated this bias.

Considerable resources (\$400,000) have been devoted to the development of NOOSR's new 85 *Country Education Profiles* which, according to NACSR (1991c: 9), '... will provide a set of guidelines for regulatory agencies, academic bodies, service providers and others on the assessment of overseas qualifications in relation to Australian academic and technical awards'.

In December 1991, the first series of 16 *Profiles* on Australia and Asia were released, followed by 17 *Country Education Profiles* on the Indian subcontinent and the Middle East

and 24 *Profiles* on European countries in 1992. At the launch of the first set of *Profiles*, the Hon. John Dawkins (*Migrant Skills Newsletter*, 1992a: 1) said that they were:

... an invaluable tool for Australian education and employer organisations to assess overseas qualifications and provide information to people intending to migrate or study in Australia. ... The positive and equitable assessment of skills gained outside Australia is important if we want to capitalise on the pool of resources brought from overseas.

It was also stated that the series would enable better decisions to be made on issues related to credit transfer. In launching the *Profiles* Mr Dawkins said that 'there would always be a need to refer to paper qualifications, particularly in the context of selecting overseas applicants for migration or study purposes' (NACSR, 1992a: 6).

The credit transfer justification is about enabling people to gain access to educational institutions at other than entry level. This is valuable but is not directly to do with qualifications recognition. It is concerned with what to do if a person's qualifications are not recognised to facilitate their retraining.

In the same speech Mr Dawkins also said that NOOSR was committed to putting into place mechanisms which would ultimately offer an alternative, or at least a complement, to assessment of formal qualifications. The problem for NOOSR is to find the balance between using the *Country Profiles* and developing competency based assessments. The NBEET report (1991: ix) highlighted the general possibility of old mechanisms continuing to be used in the issues arising in its report. It referred to 'the danger that in the absence of competency standards conventional courses/time requirements will be the benchmarks of national recognition...'

In relation to the trades, in 1990-91 nearly 9,000 people overseas and over 7,000 in Australia applied to have their trade skills assessed by the DIR. Of these applications, 80 per cent were assessed in less than 90 days and 76 per cent of all finalised applications for certificates were successful. Migrants are the largest group served by the TRRA and accounted for 81 per cent of the Australian Recognised Trade Certificates issued in 1990-91 and 1991-92 and 78 per cent in 1989-90.

Table 4 provides statistics for 1991-92 on the number of people applying for assessment of both TRRA and non-TRRA trades from the DIR. Less than 0.5 per cent of migrants assessed favourably before migration by either the CTCs or the Technical Advisers (TAs) were unable to gain recognition as tradespersons after arriving in Australia. This is a measure of the effectiveness of the pre-migration assessment mechanisms. On the other hand, 27 per

cent of those not assessed prior to migration failed to gain recognition of their trade skills after arrival in Australia.

A recent change, as of 1 January 1992, is that at DILGEA's request the DIR is doing pre-migration assessments in some non-TRRA trades, such as the building and construction trades. For the purposes of migration decisions, the DIR's technical advisers are assessing non-TRRA tradespeople for the Department of Immigration, Local Government and Ethnic Affairs. The DIR provides an opinion about the person's training and their likelihood of gaining recognition once in Australia. This is used in deciding what points the person accrues from their training, employment and skills. The training is not 'recognised' as the DIR does not have the power to do this but the person could accrue the 60 or 70 points available to people with 'acceptable' qualifications and experience compared with the 25 or 30 points for 'unacceptable' skills or skills with 'minor upgrading required'.

Table 4: Pre-migration Assessment of TRRA and non-TRRA trades, 1991-92

<i>Outcomes of Assessments</i>	<i>Successful</i>		<i>Unsuccessful or lapsed</i>		<i>Total</i>
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>
<i>(1) Pre-migration assessment by TA's</i>					
• 44 criteria countries	2,250	51.1	2,155	48.9	4,405
• non-criteria countries	260	28.8	642	71.2	902
<i>(2) Pre-migration assessment by CTCs</i>	276	77.3	81	22.7	357
TOTAL	2,786	49.2	2,878	50.8	5,664

Source: Data supplied by the DIR (1992)

The table shows that in 1991-92, 5,664 people applied for pre-migration assessment from the DIR and of these, 49 per cent were assessed favourably for immigration purposes. The remaining 51 per cent were either unsuccessful or did not proceed with their application. The people applying in the 44 criteria countries had a 51 per cent success rate compared with 29 per cent for non-criteria countries. Those who were referred to the CTCs had a 77 per cent success rate. This variation in successful assessment rates is wide and needs to be substantiated.

Within the criteria countries there is a wide range of outcomes. For the 10 main countries, tradespeople from the UK had the highest success rate of 71 per cent compared with the lowest rate of 17 per cent for Chilean tradespeople. For non-criteria countries, South Africa had the highest rate of 68 per cent compared with 5 per cent for Jordan and 4 per cent for Vietnam.

Table 5 shows the outcomes of the applications for recognition. Of the 2431 selected migrants or people who had already been assessed before migration, 78 per cent were granted a certificate compared with 55 per cent of the non-selected migrants or those who arrived under the family reunion or humanitarian migration categories, or accompanying principal applicants. The success rates for Australians trained in the defence forces or on-the-job were 87 per cent and 71 per cent respectively.

Table 5: Outcomes of applications for trade recognition certificates in TRRA trades, 1991-92

<i>Category of Australian Resident</i>	<i>Successful</i>		<i>Unsuccessful or lapsed</i>		<i>Total</i>
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>
Selected migrants	2,325	77.6	106	22.4	2,431
Non-selected migrants	1,016	55.4	817	44.6	1,833
Aust. Defence Forces	207	87.0	31	13.0	238
Civilians	584	71.2	236	28.8	820
TOTAL	4,132	77.6	1,190	22.4	5,322

Source: Data supplied by the DIR (1992)

The process of developing standard national trade tests has also commenced. The DIR conducted a review of the electrical trades in 1990-91 and a nationally standardised electrical mechanics trade test is now being developed. According to the DIR, it should be in place by the end of 1992 and the first part, the two hour theory paper, will be available for administration overseas. Technical advisers will conduct the test prior to interviewing people whose competencies they are unsure about. If this works well, the DIR envisages extending the concept to other trades.

For most trades that are not regulated by the TRRA, there are currently no formal mechanisms for the assessment of qualifications and skills gained overseas. Some trades are licensed by state while others have evolved a national system of regulation, eg the

plumbing, draining and gasfitting trades. Each has developed their own means of assessment of overseas trained tradespeople.

Another change for people who are already in Australia is the amendment to the *Industrial and Commercial Training Commission Act* in 1989 to enable the ICTC to grant recognition to overseas skilled tradespeople in occupations that require certification either for occupational licensing purposes or as a result of certification provisions in State and Federal industrial awards. So far the ICTC has established arrangements to award certificates of recognition in two occupations—cooking and hairdressing. This should be available to immigrants as well as Australian trained workers in these occupations.

While the move to competency based standards has gained a lot of momentum and appears to be well under way, it is far from completed. According to the NBEET report (1991: x) '[t]he complexity and the qualitative character of change, the extent of its reach and influence, and its expense and uncertain pay-off, all mean that while much has already been gained the achievement of core objectives is not yet assured'.

For immigrants, there has been relatively little impact to date of the move to competency based standards. Pre-migration assessment, except in the trades, is still predominantly of formal qualifications and therefore people are included or excluded according to how their qualifications equate to the Australian counterpart. DILGEA officers have been trained to carry out comparative assessments of professional and para-professional qualifications in about 20 occupations on behalf of NOOSR. NOOSR supplies the relevant material and where there is 'any doubt about the classification of an applicant the case is forwarded to NOOSR for assessment' (NACSR, 1991c: 33).

Assessment by examination in dentistry, dietetics, occupational therapy, pharmacy, physiotherapy, podiatry, speech pathology and veterinary science may be partially conducted overseas. Potential immigrants may sit the theory component and then if successful travel to Australia for the practical. Success carries with it the maximum number of points for 'acceptable' qualifications. Failure means that the potential immigrants accrue much fewer points with the consequence that they will not reach the number of points required for migration in the independent or concessional categories.

Once in Australia, professional immigrants are still predominantly assessed on the basis of their qualifications or by means of an examination modelled on final year Australian examinations, or both. There are no competency based assessments in the professions, as yet, though some trade tests are much more competency oriented. The ideal model for

assessing competency is on-the-job in all occupations but the resistance to this notion is high. Problems of resourcing, lack of consistency and standardisation, the possibility for subjectivity and the lack of suitable venues are the most common reasons given for the impracticality of this model.

The preparation of the groundwork for competency standards and competency based assessments has been essential. By June 1991, NOOSR had spent \$500,000 on assisting professions to develop competency standards. The problem is that few tangible results are evident to date. If they bring rewards in the next few years then they will have been worthwhile. It is too early at this stage to evaluate their success but care will need to be taken to ensure that competency based assessments do not also discriminate against people with education, training and experience gained under different models. Adequate preparatory or local work experience periods will be necessary to eliminate this possibility.

The main assessors of competency are employers. The perception of many overseas trained skilled workers is that they are discriminated against by employers. For occupations where there is no formal qualification recognition, an offer of employment represents recognition of their qualifications and training or perceived competency.

Employment Outcomes

There has been very little research into the role of employers in assessing overseas trained skilled workers. A recent study by Iredale and Newell (1991) for NACSR found that the selection and evaluation practices of private companies interviewed left too much room for the intervention of individual views. Very few measured up to EEO standards and the possibility of bias existed.

Public organizations' procedures, while on the whole exemplary in their selection practices, often relied on evaluations of equivalence by bodies such as NOOSR which intend them to be only advisory. Others still showed a preference for Australian-born, over immigrants, no matter what the ethnicity of the immigrant. The following case study describes the situation of an American lawyer who tried to obtain a legal position in the Australian Public Service.

Case study

An American lawyer first came to Australia on a temporary basis in the mid-1970s and worked in the Australian Public Service in a quasi-legal capacity. Because he was only here temporarily he did not seek to gain admission to work as a solicitor. He returned to the US after two years, 'having been treated royally'.

He then immigrated to Australia in 1985 and undertook the university courses required by the Barristers' and Solicitors' Admission Board. After being admitted to practice in NSW and the ACT in 1989, he sought legal positions in the Public Service. He was unsuccessful and was advised that his American law degree was not acceptable...One of the positions he applied for was even readvertised to 'require experience in commercial law in an *Australian* Jurisdiction'.

This example appears to represent a blatant case of discrimination but the person concerned said 'I did not take the matter further...because I reasoned that anyone who did not scruple to alter a resume would not hesitate to lie at a hearing'. The person felt that he had not been hired because he was an American and he was being held responsible for the US Government's foreign policy. This example highlights the fact that it is not just non-English speaking background immigrants who are disadvantaged.

For employers, training in selection and recruitment techniques and in managing a diverse workforce is warranted. At the moment, whether because of ignorance, prejudice or ill-advised views about many overseas-trained skilled workers, employers tend to 'play it safe'. If they have a choice, they mostly choose the applicant who is 'best known' to them, in terms of being most like them.

As well as overt discrimination, systemic or indirect discrimination is built into many of the recruitment and selection practices of both private and public organizations. Recruitment practices which are almost exclusively internal and which rely mainly on new graduates for replenishment effectively shut out the slightly older resident with overseas qualifications. While such practices have some advantages for employers, they neglect the advantages of bringing in 'outside' people.

Selection practices which rely almost entirely on one to one personal interviews or informal word of mouth methods of hiring contravene EEO principles. Any tendency for bias which may exist is able to flourish in this context. There is some evidence of stereotyping and bias against some qualifications. Some of this is based on uncertainty about the value of various

overseas qualifications. The tendency to 'play it safe' is amplified in the recession. Improved information about overseas qualifications could assist some employers to make fairer hiring decisions and NOOSR's revised compendium should be computerised and dispersed widely to all employers.

At the same time, over-reliance on the assessments of NOOSR or other bodies should be discouraged. Such assessments are intended to be *advisory only* and employers need to make decisions on the basis of experience and actual ability to perform the job, as well as qualifications. The proposed move to competency-based skills assessment or skills audits should assist skilled immigrants but it will only do so if employers are encouraged and trained to properly assess job applicants on this basis.

Employers also fail to hire overseas-trained professionals, managers and technicians because of their fears of communication difficulties arising. English is best learned on the job and employers need to understand this.

When employers speak of lack of local experience they do not appear to mean lack of local professional or technical experience. Rather the term seems to be used by employers to refer to a lack of knowledge of local codes, government regulations and ways of operating generally. Large, especially government, employers can accommodate someone unfamiliar with these aspects but most private employers seem to be unwilling to do so, except in times of labour shortage. Efforts should be made to encourage employers to see the long term advantages of hiring people with other skills, such as other languages, new technologies and the ability to function well in another cultural context.

The following case study is of a Lebanese-born engineer with two degrees from American universities, five years' experience and who speaks a number of languages.

Case study

In nearly four years in Australia Mr X has had three jobs and more than 50 rejections. In his third job he was the only person in the department with geotechnical experience but the company hired another geotechnician from the UK and Mr X was sacked. This was after he had spent a few months teaching the new arrival about Australian standards and conditions. Mr X said '[i]f I look back at the structure of the company, I really don't see anybody in the company with a migrant background who was in the upper level or middle level of management. Most of the workers were migrants'.

Mr X is now looking overseas for work. The situation that he has faced him in Australia has persuaded him that he will have great difficulty finding a middle or upper level position in here.

At the same time, more training programs are needed to help overseas-trained professionals, managers and technicians overcome some of the barriers to employment that are cited by employers. The most common problems are inadequate English language ability and communication skills, outdated professional training, inappropriate experience for the specific job and lack of managerial skill in relating to the Australian workforce. These problems could be overcome by appropriate and adequate English courses, courses in Australian industrial relations and workplace practices and upgrading and bridging courses in colleges and universities.

In addition, the job-seeking skills of many immigrants are not honed to suit the Australian environment. More courses on how to apply and present oneself, as well as on interview techniques, are needed.

CONCLUSIONS

First, training will be much more effective than legislation in the long run. Legal compliance for the private sector was introduced in relation to women in 1986 with the Affirmative Action Act. This Act was applied to the large employers first and now covers all employers except the very smallest (under 100). While there have been some achievements for women already in the workplace, the issue of recruitment is not directly covered.

The creation of similar legislation to assist with the employment of people who are born overseas and are of non-English speaking background (NESB1) or born in Australia but with at least one parent born in a non-English speaking country (NESB2) has been mooted. The costs of monitoring the existing affirmative action legislation are \$1m to \$1.5m per year. Unless additional affirmative action legislation placed more emphasis on the recruitment of NESB1 and NESB2 groups and people with overseas qualifications, rather than training and promotion once in employment, it would not be very effective.

Second, where a qualification is assessed in general academic terms as not meeting the Australian standard, the candidate needs to retrain for an Australian credential in order to

re-enter their former occupation. Opportunities for such retraining are very limited and costly. It was conservatively estimated by the NPC in 1989 that 7,000 to 10,000 immigrants per year did not gain recognition of their overseas qualifications. The number of skilled immigrants per year at that time was slightly higher than the current figure of approximately 35,000 per year in the manager and administrator, professional, para-professional and trade categories (BIR, 1992: 6).

A heavy emphasis in both the Commonwealth and State migrant skills strategies has been on providing bridging or upgrading courses. In 1989-90, 529 training places were provided to overseas trained doctors, dentists and teachers under the Commonwealth's Jobtrain Program at a cost of \$2.1 m. In 1990-91, the amount of funding was increased to \$3.45 m for a smaller number of places but included nurses as well. Jobtrain courses were offered jointly with the States.

In 1991, NOOSR introduced the NOOSR Integrated Mainstream Funding (NIMF) project and allocated \$1.24 m per year from 1990-91 to 1992-93 to enable funding of courses by mainstream institutions to 'top up' overseas qualifications and provide immigrants who could not get their overseas qualifications recognised with an Australian credential. This benefitted 145 teachers, nurses and engineers in 1990-91 by providing them with an Australian qualification. In 1991-92 the NIMF program was expanded in concept to include a one year bridging course for dentists at the University of Adelaide prior to study in the final year of the Bachelor of Dental Science degree, rather than final year study only.

Some State Governments have also been very active in providing a range of training opportunities for migrants with unrecognised qualifications. But retraining and bridging courses do not assist people who are offshore. The provision of such courses has been haphazard. Attempts by Speedy and Iredale to evaluate the availability of such courses in 1991 for NACSR (1991) were made extremely difficult by the lack of data and the lack of consistency across the Commonwealth, States and Territories. A much more intensive evaluation of the educational merit and justification for such courses needs to be undertaken.

Most immigrants still cannot get into such courses and see them as a diversion from the real issue which is the assessment criteria and practices of the accrediting bodies and employers. The Government's unwillingness to tackle these crucial aspects is becoming increasingly apparent.

Reliance has been placed on the move to developing national competencies, competency based assessments and mutual recognition as the major means of dealing with this issue. More seems to be needed than this. Very little attempt has been made by NOOSR to negotiate with the professional bodies, registration boards, State Governments, etc regarding their entry criteria or their modus operandi. The watering down of the model for mutual recognition from the one proposed by the Professional Occupational Regulatory Reform Task Force prepared for the VEETAC, as indicted by Sir William Keys' comments earlier, indicates that the barriers between the States have not yet been swept away. State rivalry and an unwillingness to reach a mutually agreed national system still exist and it will remain to be seen whether national competency standards will overcome this barrier.

Third, the mutual recognition process does not deal directly with the issue of recognition of overseas qualifications and skills. Before the new process can be applied to an overseas qualified person, the individual must have gained recognition in at least one State or Territory.

Fourth, the attitudes of employers to people trained overseas need to undergo considerable change. NACSR's current strategy of talking on a one-to-one basis with employers is much more likely to have an effect than its 'communications' strategy which involved seminars. The direct, personal approach, preferably with the backup of projects such as Interlink and Memonet that have been referred to in 1992 *Migrants Skills Newsletters*, are much more likely to be effective than one-off seminars. Interlink is a training/placement service operating in Melbourne and Memonet is a mentor scheme.

Fifth, the *Migrants Skill Reform Strategy* has been introduced on one hand and on the other, the immigration points system has been altered to effectively preclude entry, except in the close family and humanitarian categories, to all but those with qualifications judged to be 'acceptable' offshore. This should lead to less people having unrecognised skills once in Australia but at the same time it is what the Trade Practices Commission refers to as reducing competition by restricting entry to an occupation.

Sixth, NOOSR has 'devolved' the responsibility for assessments directly to overseas posts and to the appropriate professional bodies in Australia, where possible. Without any monitoring of these assessments, the potential for controlling entry by the professional groups is great. One overall effect of this may be a continuation of the bias towards immigrants from English speaking and/or Commonwealth countries. Another outcome may be to encourage the entry of temporary entrants (students). More students will want to come

and get Australian qualifications or get them from offshore courses offered by Australian institutions as a means of eventually migrating to Australia with an 'acceptable' qualification. The effect of this could be positive for the export of educational services but it favours those who can afford to pay the high cost of an Australian education.

Finally, there has been an increased level of discussion recently about the desirability of reducing the number of untargetted skilled migrants. Such people normally enter in the Independent Skilled and Concessional Family categories. A paper by Birrell et al. (1992) produced for the Parliamentary Research Service, and another by Goddard and Waters (1992) of DEET, both support the possibility of this as an option for reducing the level of unemployment amongst skilled immigrants, especially in the current recession. It is also argued that it is justified on the grounds that Australian trained skilled workers are experiencing unemployment at unprecedented levels.

Both papers argue for greater use of the Employer Nomination Scheme/Labour Agreements category and the Temporary Entrant Program as the means of filling specific short term labour market shortages. The ENS/Labour Agreements category accounted for 6,651 skilled entrants in 1990-91: 2,695 of whom were from the UK and Ireland and 1,753 were from Northeast Asia (largely Hong Kong). In addition, there were almost 20,000 Specialists admitted as temporary entrants in 1990-91 to fill particular labour market needs.

The Goddard and Waters paper argues that these two categories are responsive to short term need, as measured by the DEET Skill Vacancy Survey Index, whereas the non-targetted skilled migration intake is generally unresponsive to need. They point out (1992: 15) that:

Given that the points selection system is essentially supply driven, it is not surprising that responsiveness to labour market demand is poor...

The lack of responsiveness has important implications for the labour market. It is at the time when demand for a skilled occupation drops following a steady increase over several years that domestic supply begins to peak...

Some targeting is attempted in the points tested categories. This is achieved via the Priority Occupations List (POL).

Points tested applicants can gain an extra 10 points if their occupation is on POL. In September 1992 there were no occupations on POL. Goddard and Waters point out (1992: 18) that broad based skills supplementation through the Independent skilled and Concessional family categories:

does provide a means for anticipating skill needs in the medium- to long- term. However, it is clumsy. Furthermore, attempts to target better rely on the Government to be able to forecast occupational demand into the medium term—that is, for the Government to 'pick winners'. This is a resource intensive task made more difficult by the vagaries of the economy.

The acknowledgement that human resource planning or prediction is difficult and costly is not new. Australia has never moved seriously into this area. The authors of this paper see the more effective option as encouraging 'the market to plan its own skill needs'. By this they mean, allowing employers to more fully determine who should migrate to Australia in the points tested categories as permanent migrants or as temporary entrants. This suggests the possibility of more temporary labour migration of skilled workers.

Both of these suggestions involve only enabling people to enter Australia, other than in the close family reunion category, who have occupations in demand. This provides protection for Australian trainees and ensures that they will not experience higher unemployment than is necessary.

Controlling the entry of overseas professionals has gone to the extreme in the medical profession with the introduction in 1992 of two changes. First, an overseas medical practitioner wishing to enter as an independent or skilled migrant experiences a reduction of 10 points from the score that they would otherwise achieve. This lessens their chances of gaining entry. Second, the Commonwealth Government has fixed a quota of 200 on the number of overseas trained medical practitioners who may enter medical practice each year in Australia, that is gain registration. The powerful professional body, the Australian Medical Association, with the complicity of the Department of Health, Housing and Community Services, has been able to effect the type of market control that the AMA has been urging for some time. It had already achieved a limitation on the number of students entering medical school each year and this is the next step. The Government argues that the oversupply of doctors and the costs of Medicare are the reasons for its apparent compliance with the AMA. The Government's willingness to bow to such labour market control, in the face of severe opposition from NACSR (*Migrant Skills Newsletter*, 1992c: 8) should be a matter for the TPC.

The plethora of reviews, new bodies and strategies and attempts to mainstream the labour market issues associated with overseas skills recognition are a move in the right direction. It is too early to tell whether they will rectify the situation or whether what is still needed is a closer examination of the attitudes and practices of assessing/admitting bodies and employers. The gatekeepers have so far not attracted very much scrutiny but they may still be the real cause behind the lack of recognition of overseas skills. They may not be

able to continue to be side-stepped if a long run solution is to be found that enables the free flow of labour between Australia and other countries, especially our Asian neighbours.

The overall effect of all of these changes to date is to take some of the problems away from Australia. That is to simply prevent people from entering Australia unless they have qualifications or skills that are already recognised. This will mean less need for bridging courses and the number of unemployed skilled workers will be cut.

But the consequence could be to close Australia off to a supply of skilled workers who have the potential to contribute to the Australian economy. This fortress mentality may have appeal in the short term given the current economic situation, but in the longer term it is not conducive to, nor consistent with, Australia's expanding role, especially into Asia.

The Government needs to take the lead on this issue and demonstrate a real commitment to a more open policy rather than giving out signals of wanting to protect Australian workers. To date there has been little evidence of real commitment and rather a lot of rhetoric about Australia's international perspective. After almost ten years in Australia, the Dutch couple described on page 11 wrote to Mary Crawford MP, Federal Member for Forde in Queensland, about their situation. A reply was sent back, dated 18 August 1992, stating '[o]bviously you find yourself particularly unhappy here and have had a good holiday in the USA. Australia does not want to have people who are unhappy and the kind of comments you make perhaps do none of us any good'. Such a response by one of our Members of Parliament is a matter for serious concern.

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