australian nursing federation

Review of the Migration Occupations in Demand List

Issues Paper No.1, 1 August 2009.

The Australian Nursing Federation (ANF) welcomes the opportunity to make comment on the Review of the Migration Occupations in Demand List - Issues Paper No.1, 1 August 2009.

The ANF is the national union for nurses in Australia with branches in each state and territory. The ANF is also the largest professional nursing organisation in Australia. The ANF's core business is the industrial and professional representation of nurses and nursing in Australia.

The ANF's 170,000 members are employed in a wide range of enterprises in urban, rural and remote locations in the public, private and aged care sectors, including hospitals, health services, schools, universities, the armed forces, statutory authorities, local government, offshore territories and industries.

The ANF participates in the development of policy in nursing, nursing regulation, health, community services, veteran's affairs, education, training, occupational health and safety, industrial relations, immigration and law reform and aged care.

In preparing our response we have had regard to the Issues for consultation listed in Attachment A to the Issues Paper as follows:

Do you support the need for a new MODL?

The Australian Nursing Federation does not support a new MODL.

It's plain that since its introduction ten years ago, the MODL has fallen into disrepair principally because occupations have been added (and removed?) in an ad hoc manner which appears to be inconsistent with the establishment and maintenance of an instrument which was designed to identify and promote permanent migration in specific occupations and specializations that are in short supply.

It is evident that the MODL is heavily influenced by the Department of Employment and Workplace Relations (DEEWR) processes which appear less than robust as they only really rely on published vacancy levels and spot checks of employers to determine domestic skill shortages.

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The MODL is now one of a number of lists established and maintained by the commonwealth that, to some extent, all seek to do the same function which is to identify and prioritise skill shortages. While MODL may have originally provided a list of key skill shortages it has now become an unwieldy and extensive list of occupations. The recent establishment of the Critical Skills List seems to support this view.

Given the foregoing, our union would not support a revised MODL but would support the development of a new tool which identifies the long term skill needs of the country rather than simply a list of jobs that may have been in shortage some time earlier.

Do you support the proposed MODL principles?

Our response to point i)

We believe the new instrument (however titled) should move away from attempting to identify particular occupations and focus on identifying skill sets that are considered to be of high economic value to Australia.

Such skill sets may be based on the education qualifications, trade qualifications and/or experience (or a combination thereof) of an applicant to determine suitability for acceptance under a skilled migration program.

For example the MODL currently lists a range of specific occupations in health and community services sectors. And while this may reflect past shortages it fails to recognize the multi disciplinary approach to the provision of health services in Australia and the trends away from occupational silos.

Therefore rather than attempting to identify specific occupations in shortage within these sectors, it may be more appropriate that the instrument simply identify those areas of skill , qualification and experience that would assist in targeting applicants with particular skill sets and which would better equip the health sectors meet their workforce demands. This can then lie alongside the temporary skilled migration programs which appear more responsive to the short term cyclical job needs.

Our response to point ii)

One of the key concerns of our union is that the skilled migration programmes seem to operate independently and without regard to the issues affecting the domestic supply of labour. In nursing there is a widely accepted view that there is a national shortage of nursing labour and while workforce projections require sophisticated modeling, the estimated shortage for 2006 was between 10,000 and 12,000 nurses, rising to an expected shortage of between 10,000 and 13,000 in 2010 (AHWAC 2004). There are a number of reasons for the projected shortages including;

- poor remuneration and working conditions

- the general inadequacy of numbers of nursing graduates produced over recent years to meet demand (in terms of both replacement and growth in demand for health services);

- the ageing of the nursing workforce (and projected retirements), decreasing hours worked and turnover and the effect on the ability of the nursing workforce supply to replace itself; and

- growth in demand for health services expected to increase especially in the aged care sectors but also across acute care sectors.

The poor remuneration and lack of decent nursing jobs has contributed to the current situation where around 25,000 nurses or 10% of the nursing workforce remain registered but are not prepared to work as a nurse. But rather than supporting changes that might enhance the supply of nurses domestically and encourage nurses to remain in the workforce, the policy settings seemed to focus on encouraging employers to seek nurses offshore. Given the expected global shortages of skilled labour, including nursing, it is difficult to see how this approach will be sustainable.

Our response to point iii)

We support the new instrument principally being used to determine skill requirements for the medium to long term.

Our response to point iv)

We support the view expressed at page 20 of discussion paper that temporary visa classes serve shorter – term interests and enable the economy to adjust to cyclical capacity constraints. We agree that the replacement for the MODL should not be driven by short term cycles.

Our response to point v)

No comment

Our response to point vi)

Given our earlier comments on the processes to add and remove occupations on the MODL we do not believe that the current methodology is robust or transparent. There is clearly too much reliance on the attestations of employers of their perceived difficulties in engaging local labour. For the most part their difficulty in obtaining local nursing labour stems from a refusal to pay market rates and conditions of employment. There is now a substantial body of evidence that demonstrates that when nursing employers positively address remuneration and working conditions nurses will re-enter or remain in the nursing workforce.

While it is claimed that the DEEWR validates their assessments of skill shortages with industry bodies including unions, to the best of our knowledge the ANF has never been consulted on this issue. This is surprising given that nurses are among the most common occupations targeted across the migration programs and that ANF is the largest representative of nurses in Australia.

Are there any additional principles for a new MODL that you would propose?

The replacement instrument must have regard to numbers and occupational mix of temporary skill migrants under the visa 457 programme (and others) and also be consistent with other relevant government policy settings particularly in respect of the training and skills development of local workers during periods economic downturn and increased unemployment.

For the new instrument to be an effective and transparent tool on prospective skill/occupational shortages, labour market testing must be a fundamental determinant of the existence or otherwise of the shortage.

Robust and detailed analysis as to why employers are unable to attract workers from a particular domestic labour market including consideration of the unique characteristics of a particular local market is fundamental to ensuring that there is remains a real encouragement to employ local labour.

A visa applicant under the revised instrument must be required to work in their nomination skill area for a reasonable period to ensure that the new instrument has some chance of positively addressing skill shortages. Table 4 of the discussion paper suggests that the MODL has had little impact on reducing key skill shortages over the last two decades. And while this may be due to a number of factors the lack of any requirement to work in the nominated occupation must significantly weaken the effectiveness of the tool.

Do you have any preliminary views on how the new MODL might be given effect?

No comment

Are there any comments on the role of the MODL within the GSM point's test that you wish to make?

Consistent with our earlier comments in respect of the requirement to work in the nominated occupation we would recommend a significant increase in the points awarded for a MODL occupation with recent work experience and an offer of full time employment. This test along with meeting the skills assessment should provide for a pass mark for the General Skills Migration program.

Additional comments

No.