

Australian Nursing and Midwifery Federation

**Discussion Paper – Draft Best Practice
Principles and Standards for Skilled
Migration Assessing Authorities**

**Submission to the Department of
Employment and Workplace Relations**

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**Australian
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Introduction

1. The Australian Nursing and Midwifery Federation (ANMF) is Australia’s largest national union and professional nursing and midwifery organisation. In collaboration with the ANMF’s eight state and territory branches, we represent the professional, industrial and political interests of more than 322,000 nurses, midwives and care-workers across the country.
2. Our members work in the public and private health, aged care and disability sectors across a wide variety of urban, rural and remote locations. We work with them to improve their ability to deliver safe and best practice care in each and every one of these settings, fulfil their professional goals and achieve a healthy work/life balance.
3. Our strong and growing membership and integrated role as both a trade union and professional organisation provides us with a complete understanding of all aspects of the nursing and midwifery professions and see us uniquely placed to defend and advance our professions.
4. Through our work with members, we aim to strengthen the contribution of nursing and midwifery to improving Australia’s health and aged care systems, and the health of our national and global communities.
5. The ANMF welcomes the opportunity to provide feedback to the Department of Employment and Workplace Relations (the DEWR) on the *Draft Best Practice Principles and Standards for Skilled Migration Assessing Authorities* discussion paper.
6. The ANMF acknowledges that the current guidelines for skills assessing authorities lack the level of detail required to facilitate efficiency, transparency and consistency. For the migrant worker seeking an assessment this translates to lengthy delays, confusion and duress, high costs and often, while they wait for the skills assessment, employment in roles below their qualification level and on lower wages than they would be earning if working in their profession.



7. The ANMF provides this feedback in broad support of the proposed draft best practice principles and standards for skilled migration assessing authorities. We welcome any new measures that help to rectify the issues experienced by migrants during skills assessment and employment, and which ultimately hinder efficiently addressing critical workforce shortages.
8. The ANMF supports a stringent and robust regulatory approach to skills assessment, in acknowledgement that there has historically been little oversight by Government and weak accountability and enforcement in the current skills assessing system. How the principles and standards are put into practice by assessing authorities and how the DEWR regulates and enforces the principles and standards will be critical to their success.
9. There is a high-level of Departmental and Ministerial discretion afforded when considering whether a skills assessing authority is suitable to provide services. The criteria¹ against which the Department and Minister evaluate and approve or revoke skills assessing authorities is administrative and commercially focused. There is no established connection between the quality of services offered, assessment outcomes, or migrant experience, and an authority's ongoing approval to operate.
10. The ANMF believes that the new principles and standards will go some way in remedying this information and integrity gap. However, to ensure rigorous oversight, accountability and transparency, an authority must be required to demonstrate annually to the Department and Minister, its ongoing compliance with the revised and more robust criteria.
11. The Assessing Authorities Quality Assurance (AAQA) function within the DEWR must be appropriately resourced to carry out its functions.

¹ Department of Employment and Workplace Relations, 'Guidelines for Skilled Migration Assessing Authorities', p. 7



12. We take this opportunity to highlight the immense complexities and inefficiencies that plague Australia’s skilled migration system and which are inextricably linked to one another. The need to undertake a whole-of-system, integrated approach to reform cannot be overstated.

13. The ANMF acknowledges the Government’s work underway to develop a new and comprehensive Migration Strategy that will reform myriad and interrelated aspects of the migration system. We are of the view that migration reform should not occur in isolation, wherever practicable.

14. The implementation of new principles and standards for skills assessing authorities should occur within this broader reform context and support the guardrails outlined in the Government’s Migration Strategy²:

- A tripartite approach.
- Universality.
- Evidence-based approaches to identifying labour market need
- Mobility for temporary migrants in the labour market
- Integrity in the system in our approach to temporary migration.

15. This feedback addresses each draft principle and standard and in doing so, addresses the general questions about the delivery of skills assessments. Our feedback identifies a number of areas where the proposed standards should be strengthened and where further work should be undertaken by skills assessing authorities, the DEWR and other related agencies to improve the experience of migrants.

² Department of Home Affairs, ‘A Migration System for a More Prosperous and Secure Australia - Outline of the Government’s Migration Strategy’, April 2023, p. 3.



Principle 1 - User-friendly and migrant-centric experience

Standard 1.1

Offering diverse communication channels and adopting user-friendly platforms that are easy to navigate, expressed in simple language, and give helpful information about all aspects of the skills assessment process.

16. The platforms used for communicating with migrant workers should be regularly assessed for their efficiency and effectiveness. Migrant views must be included in assessment of platforms. An assessment of what constitutes ‘helpful information’, with first-hand input from migrants, unions and industry, should be undertaken. Skills assessing authorities should be required, wherever practical, to implement best-practice platforms and processes.
17. Regarding the provision of helpful information for *all* aspects of the assessment process, the ANMF considers it would be appropriate to review the information shared between authorities involved in skilled migration and occupation assessment (see also Principle 3).
18. For people seeking to migrate to Australia in order to work as either a nurse or midwife, a skills assessment from ANMAC is required to show suitability for a skilled migration visa. A person must also be able to demonstrate that any overseas obtained qualification is sufficient to meet the standards required for registration in Australia under the Nursing and Midwifery Board of Australia (NMBA).
19. Given the significance to the migrant of each authority and its processes, it is important that inter-agency communication and information sharing is enabled in a way that supports an efficient and easy to navigate user experience.
20. Duplicative processes that require the migrant to provide the same information multiple times to various authorities and agencies should be minimised as much as possible as this can cause confusion, delays and unnecessary complexity.



Standard 1.2

Providing timely, informative, and accessible updates regarding the status of an application.

21. Currently, the administrative and time burden to pursue updates on the status of a skills assessment application falls to the migrant. This often co-occurs while the individual is managing employment, financial, and social or familial responsibilities. Given that migrants are highly likely to be working in sectors experiencing persistent and critical shortages, and given migrants awaiting skills assessments are commonly working in lower-wage positions than those which they are qualified for, these are compounding and unfair pressures being placed on the individual.
22. The ANMF supports the introduction of a requirement on skills assessing authorities to adhere to clear, consistent and regulated timeframes for providing updates to migrants. The current user experience highlights a lack of proactive communication from skills assessing authorities and ambiguity as to when and how often in the process an individual should receive an update.

Standard 1.3

Exploring options to incorporate alternative skills recognition methods into skills assessments.

23. While there is a pressing need for skills assessment pathways that improve the migrant experience by reducing complexity, cost and delays, the ANMF has some concern that ambiguity in this standard may encourage authorities to seek out lower cost and unverified pathways. Further information is required as to how the DEWR will monitor and assess the effectiveness and integrity of any alternative skills recognition pathways.
24. Given the persistent workforce shortages in Australian healthcare, pathways should be available to migrants who do not meet assessment standards to undertake additional accredited training, education or language support, where appropriate.



25. The DEWR should consider the data it needs from assessing authorities, and which could be supplemented by data from the Jobs and Skills Councils (JSCs), to understand the rates of unsuccessful assessments and remediation or additional learning pathways that could be made available to migrants to assist them in attaining their skills assessment.

Principle 2 – Reasonable and justified fee structures

Standard 2.1

Providing transparency in setting fees and inclusions.

26. The ANMF supports this standard and recommends it be mandatory. An optional standard on a matter as important as fees will only entrench the light touch approach accountability and regulation currently applied in migration skills assessment.

27. To fully deliver the integrity and consistency this principle and its standards are seeking to achieve, the ANMF recommends implementing an ongoing requirement on skills assessing authorities to comply with reasonable and transparent fee setting practices and structures.

Standard 2.2

Innovation through collaboration to identify and implement cost-effective strategies, opportunities, and practices, to remain cost-competitive in a global market.

28. The ANMF recognises that skills assessment in the Australian migration system is costly and complex compared with similar countries. Rectifying these issues is essential to ensuring migrants can more easily bring their skills to Australia, without incurring prohibitive costs that disadvantage the individual and make Australia a less attractive skilled migration destination.

29. This being said, the ANMF cautions that an overemphasis on market competitiveness may have the perverse outcome of encouraging skills assessing authorities to cut costs elsewhere, thereby compromising the process and experience for migrants, and jeopardising the integrity of the skills assessment.



Standard 2.3

Undertaking regular and strategic reviews of fees to ensure skills assessment services are appropriate and commensurate with demand in an evolving skilled migration environment.

30. The ANMF supports regular and rigorous reviews of the fees applied to skills assessments.

We believe that this standard should go beyond examining fees only in relation to demand for skills assessment services. Considering fees only in this context does not address issues of affordability, particularly relative to real or potential earnings, nor does it account for the employment and economic outcomes for migrants who have undergone a skills assessment.

31. In the proposed demand-driven approach, skills assessing services may be incentivised to arbitrarily inflate prices for assessments in industries facing particularly chronic shortages, such as nursing, thereby punishing these cohorts of workers and deterring them from migrating to Australia.

32. The regulation and review of fees should consider the relationship between the quality and outcome of the assessment (for example, did the migrant successfully obtain employment in the assessed occupation), and whether the assessment fee was relative to the migrant's real or potential earnings in the assessed occupation.

Principle 3 – Evidence based occupational assessment standards

Standard 3.1

Ensuring occupational assessment standards do not go beyond what is required by industry and employers and any registration or licensing requirements for an occupation

33. The ANMF highlights the finding of the Migration Review that 'migration system settings should be better informed by occupational licensing requirements. This means aligning skills assessment criteria with occupational licensing criteria'³.

³ Department of Home Affairs, 'Review of the Migration System - Final Report', March 2023, p. 161.



34. The ANMF supports the implementation of this standard as a practical reform that will assist migrants to more quickly and easily enter the Australian workforce and at a professional and remuneration level commensurate with their qualifications and skills.
35. For unregulated professions, such as care and nursing assistance, working closely with unions, the relevant industry regulator(s), and trusted education providers, will be critical to determining appropriate, evidence-based occupational standards and assessments.
36. It is appropriate that where two skills assessing authorities may be involved in a particular industry, such as ANMAC and the Australian Community Workers' Association in the aged care sector, they have the ability to communicate and understand the occupational practice and scope of intersecting professions.

Standard 3.2

Aligning English language requirements with visa and industry standards to reduce inconsistencies and confusion for migrants.

37. The ANMF acknowledges that English proficiency is critically important to professions undertaking work of an interpersonal, clinical and high-risk nature i.e. the delivery of safe and quality person-centred care. Notwithstanding, the ANMF also acknowledges the use of English language proficiency as a means to discriminate or discourage migrants from working in Australia.
38. English language assessments must be undertaken against evidence-based occupational requirements and industry standards. This is particularly important for professions that do not have a consistent or minimum proficiency requirement mandated via regulation. To mitigate these risks, assessing authorities and the DEWR must undertake comprehensive consultation with workforce representatives, industry and migrants.
39. The DEWR must also regulate the fair and consistent application of English proficiency assessments, recognising the particular risks of discrimination and bias that can accompany the process for migrants.



Standard 3.3

Setting a schedule for regularly reviewing occupational assessment standards in close consultation with key industry stakeholders such as employers and unions, to ensure continued relevance and competitiveness in a global market.

40. The ANMF supports this standard. We are of the view that its effective implementation requires genuine and ongoing tripartite consultation between industry, workforce and government. The JSCs will be well-placed to provide tripartite input and facilitate such consultation.

Principle 4 – Fair and equitable assessments

Standard 4.1

Eliminating bias or discrimination in the assessment process by applying procedural fairness and objective, equitable and consistent assessment standards.

41. The ANMF condemns all instances of bias and discrimination experienced by migrant workers. Interaction with skills assessing authorities is one of the earliest touchpoints migrants have with the Australian system and Australian society. For migrants in nursing and midwifery, they often also experience other harmful social biases, such as the gendered undervaluing of caring professions.

42. It is critically important that reform to skills assessment designs out bias and discrimination. In doing so, skills assessing authorities will demonstrate leadership and best practice within the migration system and ensure that from early on migrants are treated with fairness, equity and inclusion.

43. Channels to lodge complaints, reviews and appeals must be clearly visible and accessible to migrant workers throughout the assessment process. The DEWR must ensure that there are clear compliance and enforcement outcomes in instances where skills assessing authorities are subject to substantiated complaints. The DEWR must collect and analyse complaint, review and appeals data to ensure it is proactively identifying trends of concern and improving processes for migrants.



44. The ANMF supports standard 4.1 and recommends that in conjunction with standard 4.3, these are mandatory.

Standard 4.2

Offering flexible skills assessments processes, including appropriate adjustments and support for applicants with disabilities, refugees, or victims of exploitative employment arrangements.

45. The ANMF supports this standard. We have some concern that it may inadvertently encourage skills assessing authorities to apply ‘flexible’ processes that are cheaper, untested or unregulated, and built on discriminatory assumptions.

46. The ANMF seeks additional information as to what flexible assessment processes will be, how the DEWR will test these for appropriateness, and how these will be implemented to ensure they do not inadvertently entrench exploitation or discriminatory treatment of vulnerable cohorts.

47. Acknowledging that ‘workplace relations policy as it pertains to migrants’ is beyond the scope of this discussion, the ANMF recommends that unions be closely consulted on any flexible assessment process for victims of exploitative employment arrangements, as unions are expertly placed to advise on mitigating pathways and appropriate support for migrant workers in these circumstances.

Standard 4.3

Offering clear and fair complaints, reviews and appeals processes.

48. As above at 4.1.

Principle 5 – Timely and efficient skills assessment delivery

Standard 5.1

Adopting efficient and streamlined processes to minimise unnecessary delays or bottlenecks.



49. The ANMF highlights the Skills Assessment Pilot, of which ANMAC is a participant, as demonstrative that skills assessment process can be done quickly (15 days) and without compromising quality.

Standard 5.2

Using technology to monitor caseloads and systematise and simplify administrative tasks.

50. It is imperative that technology does not replace timely access to informed, trained staff at the skills assessing authority, particularly where complaints and reviews are pursued under Principle 4 and its standards.

Standard 5.3

Developing robust contingency plans to handle fluctuations in demand and a constantly evolving skilled migration landscape.

51. The ANMF supports Principle 5 and its standards, acknowledging that adoption of best practice processes and technology can improve the migrant experience and rectify the issues of delays and confusion.

Principle 6 – Meaningful employment outcomes are enabled

Standard 6.1

Providing end-to-end information and after care for migrants to support their post-assessment migration and employment journey.

52. Civil society groups and community members or groups from a migrant's diaspora are more appropriately placed than skills assessing authorities to deliver after care services.

53. After care is also better provided by unions as the organisations with expert knowledge of the relationship between employment and workplace rights, and meaningful social and economic participation.

54. The ANMF supports the intention of standard 6.1 and welcomes the attention being placed on migrant welfare and experience. However, we do not support after care services falling under the remit of skills assessing authorities.



Standard 6.2

Leading or participating in ventures that proactively educate employers and industry on the benefits of a migrant workforce and hiring of international graduates.

55. Similar to the above, the ANMF is of the view that leadership on education and positive profile building of migrant workers is outside the scope of skills assessing authorities' core business.
56. Resources would be better directed to unions, relevant migration and home affairs authorities, education providers and appropriate civil society groups to lead public awareness campaigns on the economic and social importance and benefits of migrant workers.
57. That said, the ANMF supports skills assessing authorities being resourced to actively *participate* in and support such campaigns.

Standard 6.3

Building an understanding of applicants' visa and employment outcomes post assessment to inform continuous improvement of skills assessment processes and standards.

58. As above at standard 2.3, the ANMF believes it is imperative that skills assessing authorities and the DEWR monitor visa and employment outcomes, with a view to further refining the practices and processes of the authorities and the skills assessment industry overall.
59. The JSCs would be well-placed to assist in the data collection and information sharing required to inform the continuous improvement of skills assessing authorities.

Principle 7 – Integrity and transparency in operations

Standard 7.1

Ongoing engagement and cooperation with government through data provision on skills assessment caseloads, trends, and outcomes, including gender-disaggregated data, and the development and testing of policy solutions to meet the needs of migrants and employers.



Standard 7.2

Providing applicants with transparency in how data is handled and protected to meet Australian Privacy requirements.

Standard 7.3

Implementing effective fraud awareness and control measures to safeguard the integrity of skills assessments.

60. See above at standard 1.1, 2.3, 4.1, and 6.3.

61. The ANMF reiterates the importance of measures that promote robust data collection and the use of data analysis to improve the practices of assessing authorities, the DEWR, and related agencies and authorities, with the goal of improving the migrant experience and addressing skill and labour shortages.

62. The ANMF supports any best practice and standard that embeds transparency into the skills assessment system and processes.

63. The ANMF supports information-sharing and data collection which identify instances or trends of discrimination and bias and in doing so, create an opportunity to rectify and eliminate poor processes and treatment of migrants.

Conclusion

64. The ANMF encourages the Government and DEWR to take a more proactive and stringent approach to regulation of the principles, standards and practices of skills assessing authorities.

65. The ANMF thanks the DEWR for this opportunity to provide feedback and looks forward to the implementation of new best practice principles and standards that will improve the migrant experience and positively contribute to the skilled migration system.