

Submission by the Australian Nursing and Midwifery Federation

Review of the Points Test Discussion Paper

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**Australian
Nursing &
Midwifery
Federation**



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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 326,000 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 metropolitan, regional, rural and remote locations. We work with members 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 members' interests. 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.
4. We welcome the opportunity to provide feedback to the Department of Home Affairs on the 'Review of the Points Test – Discussion Paper'. The ANMF supports reform to the points test that improves its transparency and accessibility for migrants, and which is designed to promote a diversity of skill and contribution to Australia's economy and society. While we accept this rationale for reviewing the points test, we hold concerns that the direction of reform set out in the discussion paper will prioritise a limited number of skills, attributes and demographics, at the exclusion of others.
5. The ANMF is concerned by the tendency in Australia's migration policy to entrench migrant women into temporary migration pathways. Often, temporary migration places are attached to roles that underutilise these workers' skills and qualifications and which are low paid. If permanent migration opportunities are constrained (even if inadvertently) for certain groups, it will have an overall negative affect on gender equality, social cohesion and economic outcomes for the most vulnerable migrant populations, such as young women.



6. The ANMF would like to see pathways to permanency built into more temporary migration programs, such as the Pacific Australia Labour Mobility (PALM) scheme. The Government must ensure sector-specific migration programs, such as PALM aged care and the Aged Care Industry Labour Agreement (ACILA) are consistent in the opportunities available to migrant participants, noting the ACILA offers permanency, but PALM does not. While the ANMF supports these programs, we are eager to see greater governance and compliance in aged care migration to ensure these particularly vulnerable low paid workers are not exploited.
7. Embedding pathways to permanency into aged care temporary migration will ensure we retain the skills and knowledge of migrants already contributing to our society and the economy. It will also assist Australia to meet its international obligations supporting our neighbours and global partners as they are increasingly affected by issues including climate change and conflict displacement, as well as advance gender equality for the female-dominated, young migrant base in PALM aged care. Australia must be mindful of the human resource impact migration has on sending countries, particularly low and middle economy countries. We must ensure the benefits of migration are reciprocated for participating countries and individuals.
8. Additionally, the ANMF would like to see an increase in the availability of skilled independent (visa subclass 189) pathways, at a decrease to employer sponsored pathways. We draw attention to the Migration Review, which found that ‘where Employer sponsorship provides a pathway from temporary to permanent residence onshore, this visa is underpinned by a model that introduces a substantial level of exploitation risk’.¹
9. The Government must better facilitate and support education and training, employment opportunities for new graduates, career progression, fair remuneration and decent working conditions for nurses, midwives and carers. These long-standing attraction and retention issues across the health and care sectors must be addressed in concert with migration policy reform. A comprehensive approach to workforce development and planning will ensure that temporary and permanent migration are addressing genuine skills shortages, identified through current and genuine labour market testing.
10. By taking a comprehensive approach to workforce development and skilled migration, it will be

¹ Australian Government, Department of Home Affairs, ‘Review of the Migration System: Final Report, 2023, p. 64.



easier for governments, employers and migrants to identify genuine skills shortages and plan ahead. This will help reduce the instances of ‘permanent temporariness’ by assisting prospective and current migrants to understand the needs of the Australian labour market as and when they may change, and to ensure their skills match or that they understand the skills they must acquire to be successful in the permanent skilled migration system.

Question One: How can we design the points test to best target migrant success in finding a skilled job?

What criteria should be included? What criteria should be removed?

Should the weightings of different criteria change? How should points within criteria be structured?

Age

11. Discussed below at Question Three.

Skilled work experience

12. The ANMF supports measures that enable migrants to build their professional skills in Australia, and which will directly link professional experience to successful permanent migration outcomes. We are concerned that for internationally qualified nurses and midwives (IQNM), there are many barriers to having their skills and qualifications recognised and utilised in Australia. To migrate here, IQNM are commonly diverted into temporary visa pathways, accepting work at a lower skill and qualification level because it affords them a visa. A primary example is internationally qualified nurses from non-English speaking countries accepting visas in aged care as personal care workers.
13. This widespread practice reflects the intersecting barriers faced by IQNM trying to gain recognition of their experience and qualifications and successfully nominate for independent points tested visas. These barriers include lengthy wait times to sit requisite exams, prohibitively high costs particularly when considered against low aged care sector wages, and difficulty concurrently navigating the skills assessment, professional registration, and immigration systems. Together, these issues compound to either entirely exclude IQNMs from accessing the permanent migration system and roles commensurate to their international skill and qualification level, or at the very least disadvantages them in skills, experience and qualification recognition once they enter the points test system.



Education

14. The ANMF accepts that economic modelling shows a link between higher levels of tertiary education and successful labour market outcomes. However, caution should be applied as to how this is translated into the points test. Offering more points to higher levels of tertiary education will disadvantage skilled migrants working in occupations that may only require a Bachelor degree, such as nursing and midwifery. It will signal that attainment of additional qualifications is a means to accessing additional points and in turn, this may delay workforce participation in favour of further, but not necessary, study.
15. The ANMF takes this opportunity to raise concerns that the value of vocational education and training (VET), and associated occupations, are not adequately recognised in the skilled migration program. We challenge the narrative of skilled and unskilled labour in the care and support economy. Aged and disabled carers and nursing support workers possess critical skills that significantly contribute to Australia's urgent and future workforce, social and economic needs. Limited pathways to independent, permanent migration and upskilling in and beyond the VET sector is a missed opportunity for all. We discuss this further below under 'Australian study'.

English Proficiency

16. The ANMF does not dispute the regulatory approaches Australia employs, including English language proficiency testing, to ensure IQNMs meet high standards of safe, quality health care delivery. As such, we support English language standards set via the Nursing and Midwifery Board of Australia (NMBA). However, we are concerned by the exploitation that occurs in English-language testing (the IELTS), offered by private, poorly regulated colleges. It is a common experience for IQNMs to pay excessive fees to such colleges, with a promise of assistance to pass both the IELTS and clinical exams. The reality is that there is often little help offered or any guaranteed positive work and visa outcome. The ANMF calls for greater regulation of colleges, education and migration agents exploiting migrant workers.
17. The ANMF supports the recommendation of the Kruk Review to 'make modest evidence-based



changes to [written] English language requirements aligning with international good practice'.² This would be a reduction of a half point, from 7 to 6.5, on the IELTS for written English for IQNM and would align Australian benchmarking with international counterparts including the United Kingdom. As there would be no change to the speaking component and as the NMBA would retain regulatory oversight, the ANMF is confident this measured change will greatly assist migrant health professionals without compromising safety or quality of care.

18. Migrants must be supported to develop their English language skills both offshore and onshore. Employers participating in the migration system and governments must provide free English language training, pre-departure and after arrival, to migrants. Government must ensure that effective monitoring and compliance enforcement processes are in place that detect and shut down exploitative practices linked to training, migration, and employment. The points system should be able to recognise a migrant undertaking English language training. English language training should be used to upskill migrant nurses and aid them in gaining Australian registration.

Partner skills

19. The ANMF supports points being available for partner skills. Additional points should be available where a partner possesses skills on a skills shortage list. The ANMF acknowledges the Family Accompaniment pilot that recently commenced under the PALM scheme. The ANMF strongly supports this initiative and recognises its pivotal role in supporting PALM participants to succeed in Australia, particularly as they are often placed in regional, rural and remote locations with limited social support and diaspora community. We also acknowledge that it is anticipated that accompanying family are likely to work in the same sector, if not for the same employer, as the primary visa holder.
20. It is disappointing that aged care focused programs such as PALM and its Family Accompaniment pilot are in temporary skilled migration with no pathway to permanency. This represents a significant loss of social and economic benefit to Australia provided by these migrants and their families. Critically, it also represents a significant loss of skill and development, as PALM in aged care requires participants to complete a Certificate III in

² Kruk AO, R, 'Independent review of Australia's regulatory settings relating to overseas health practitioners', Australian Government, *Department of Finance*, 2023, p. 65, <<https://www.regulatoryreform.gov.au/news-and-events/2023-12-06-final-report-independent-review-overseas-health-practitioner-regulatory-settings>>, (accessed 23 May 2024).



Individual Support (ageing). The ANMF recommends that long-term PALM participants and their accompanying family should have prioritised access to the permanent skilled migration program, with points available for the primary and partner visa holders.

Australian Study

21. The ANMF recommends a higher number of points be available for Australian study, particularly where the study relates to a skills shortage and occupation list. As discussed, VET qualifications and corresponding occupations are relevant to industries and occupations with the most chronic and long-term shortages, namely health and care.
22. The ongoing shortages in health and care professions are widely reported. In the most recent Skills Priority List (SPL), ‘shortages for Health Professionals were far-reaching, with all Registered Nurse occupations and Midwives found to be in shortage [and these] skill shortages being acute, especially compared to other professional occupations.’³ Shortages in the Community and Personal Service Workers occupations, which includes Enrolled Nurses, Aged or Disabled Carers and Personal Care Assistants, are ‘considerable’ and for 2023, Nursing Support Workers fell into shortage.⁴
23. As discussed, aged and disabled carers, personal care assistants and nursing support workers are VET qualified occupations, as are Enrolled Nurses as Diploma qualified. A higher number of points should be available to migrants who undertake a Diploma or trade qualification in Australia. A stronger connection must be made between the SPL and access to permanent migration, with additional points and priority for permanency given to students in occupations and fields on the SPL.
24. Elevating the value of VET qualifications and increasing permanent migration opportunities to VET students is particularly important from an ethical standpoint. Australia tends to target young, female migrants from developing countries and regions, such as the Philippines and Pacific nations, to work in our care and support economy. Often, these migrants are drawn from the health systems of these countries and are nurse qualified in their home country.

³ Jobs and Skills Australia, 2023 Skills Priority List, Key Findings Report, September 2023, p. 10.

⁴ Ibid, p. 13.



25. There is little correlation between how care and support is delivered in Australia (formally) and how care and support is delivered in these sending countries (informally and in community). This means the attainment of Certificate courses in Australia can have little transferrable value when these migrants return home but hold a high value in the Australian labour market and economy. The points system should provide an opportunity to access permanent migration and recognise the prevalence and value of temporary migrants who have undertaken work and study in vocational sectors.

Specialist Education in Australia

26. The ANMF does not oppose points being available for specialist education. We would caution that the restriction of these points to Science, Technology, Engineering and Mathematics (STEM) favours male-dominated occupations. The list of eligible fields of specialist education should be expanded to include other specialist study that recognises and promotes female-dominated sectors, such as specialist nursing education and post-graduate studies.

Professional Year

27. The occupations eligible to undertake and accrue points for a professional year are limited and largely limited to male-dominated occupations. The ANMF understands that the professional year is costly for the migrant and that participating education providers and employers are poorly regulated. This leads to variable outcomes for the migrant. Should the professional year continue, it must be significantly reformed to ensure costs are manageable, quality and outcomes are regulated and guaranteed, and more migrants, particularly women, have access to this points accrual opportunity.

Regional Study

28. The ANMF believes more points should be available for regional study. This would reflect the valuable contribution international students make to regional communities, including by working locally while studying. It would also acknowledge the exacerbated challenges faced by students in regional communities, including social isolation. The number of points available should align with the points available under a regional nomination by a state or territory government (15 points).



Credentialed community language

29. The ANMF acknowledges that certain occupations and sectors are more likely to require community language skills. This includes specialist aged care, mental health and general health services. Specialist community language skills should be able to be assessed according to sector and service specific needs. For example, a migrant nurse working in a dementia and community language specialist aged care facility should have a pathway to demonstrate these skills and attain additional points.⁵

Nomination for Skilled Nominated Visas and Regional Skilled Work Provisional Visas only

30. As above, the ANMF supports migrants who undertake regional study or work having access to more points. State and territory governments should have access to levers, such as substantial points allocation, to attract more migrants into regional, rural and remote work. However, this will require greater investment and integration from all governments into infrastructure, housing and education. It will also require additional support to be available from the nominating state and territory government to ensure migrant success in the workplace and communities.

What should the minimum eligibility requirements for the points test be?

Should there be minimum scores against particular criteria? For example, should we require an onshore migrant to have a skilled job in order to apply for a points tested visa?

31. The ANMF does not support a requirement for an onshore migrant to have a skilled job before being able to apply for a points tested visa. We are concerned that embedding a connection between visa status and employment will further facilitate exploitation, noting that employer-sponsored migrants are more vulnerable to exploitation.
32. Such a requirement would signal to migrants to accept a job without an opportunity to adequately assess the wages and employment conditions on offer, or the prospects of visa success and employer support in achieving visa success. This is in direct conflict with the intent of the proposed reform and undermines other important protections put in place by the Government, such as those in the recently passed *Migration Amendment (Strengthening*

⁵ Australian Government, *Dementia in Australia*, Australian Institute of Health and Welfare, accessed 9 May 2024, <<https://www.aihw.gov.au/reports/dementia/dementia-in-aus/contents/dementia-in-priority-groups/dementia-cald-backgrounds>>.



Employer Compliance) Bill 2023.

How should the points test account for migrants' experience? How should it reflect quality of experience? How should domestic versus international experience be treated?

33. As outlined in the responses above.

Question Two: How can we better target points tested visas to meet Australia's skills needs?

Are occupation lists an appropriate way to target skills? If so, what should be considered in compiling them?

How can we best identify and target Australia's long-term skills needs?

34. The ANMF has addressed our concerns regarding the prioritisation of certain occupations and demographics at the exclusion of others within the points test. We want the permanent migration system to be fair and accessible to a diverse range of migrants. Designing the system based on these principles will promote gender equality and social inclusion.

35. More temporary migrants should have priority access to the points test system, particularly if these migrants are working in occupations and sectors with ongoing shortages. Creating more opportunities for temporary to permanent visa conversion would recognise and retain the important contribution already made by these migrants to Australia's economy and society. Weightings should be adjusted to reflect our skills shortages and provide extra points for those who meet or almost meet our criteria.

36. Visa allocation should be aligned to the Jobs and Skills Australia's (JSA) SPL which provides a current assessment of the Australian labour market and is compiled via extensive stakeholder consultation. The ANMF supports an increased role for the Jobs and Skills Councils (JSCs), which sit under JSA, in the preparation of occupation lists and determining Australia's long-term skills needs. JSCs are tripartite organisations with expert knowledge in sector-specific labour market needs and trends. Migrants in occupations on the SPL, such as the nursing and carer roles outlined above, should be a priority for permanent visas.

Question Three: How should we redesign the points allocated to age to better select younger migrants?

37. The ANMF supports in-principle a graduated points allocation for age. We recognise that younger migrants have greater potential for long-term economic and social participation.



However, there needs to be scope to adjust age-criterion points allocation according to workforce demographics and skills and occupation shortages.

38. For example, the average age of a registered nurse is 43 years.⁶ If the age criterion is weighted too heavily in favour of younger groups, this would automatically disadvantage nursing professionals trying to access a points tested visa. As nurses, midwives and carers are also far more likely to be female - 88 percent in Australia⁷ and 67 percent globally⁸ - an overemphasis on younger migrants would, for these occupations, also give rise to gendered discrimination.

Question Four: How should we design the points allocations for partners to best reflect their potential labour market contributions?

39. Discussed above.

Question Five: How could the points test support gender equality in the Australian labour market?

40. The ANMF has outlined throughout previous responses our concerns regarding direct and indirect discrimination of women in the permanent migration system. We reiterate our recommendations regarding:
- i. Ensuring pathways to permanency in existing temporary migration programs that target female-dominated sectors i.e. the PALM in aged care, and ensure opportunities for permanency align across programs i.e. the PALM and ACILA.
 - ii. Fairly valuing and recognising VET qualifications in female dominated industries and occupations i.e. nursing and care work in the care and support economy.
 - iii. Ensuring the points test can account for sector and occupation-specific demographics, such as older average age of nurses.
 - iv. Supporting internationally qualified nurses and midwives to gain recognition and registration in Australia and enter employment commensurate with their skills and experience, as quickly as possible.

Question Six: How should transition arrangements for the points test reforms work?

41. Migrants with pending applications for permanency should be prioritised, with grandparenting

⁶ Nursing and Midwifery Board 2024, Registered nurses: Snapshot as at 30 June 2023, Australian Health Practitioner Regulation Agency, accessed 7 May 2024, <<https://www.ahpra.gov.au/About-Ahpra/What-We-Do/Data-access-and-research/Health-profession-demographic-snapshot-reports.aspx>>.

⁷ Ibid.

⁸ World Health Organisation 2024, *Nursing and Midwifery*, fact sheet, accessed 7 May 2024, <<https://www.who.int/news-room/fact-sheets/detail/nursing-and-midwifery>>.



arrangements put in place. Migrants who are close to achieving enough points under the current system should receive training and other support to assist them to gain a permanent visa.

Question Seven: How regularly should the points test be reviewed? What should reviews consider?

42. The ANMF considers a review of the points test every four years would be appropriate. This would align with the new four-yearly permanent migration planning cycle. It would also allow for up-to-date labour market testing and skills lists to be considered.