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ATTAINING EQUITY: AN ASSESSMENT OF FEDERAL GOVERNMENT PROGRAMS

Stephen Rimmer

The Australian Federal Government is strongly committed to eliminating discrimination against women, non-English-speaking-background migrants, disabled people and Aborigines in education, employment and access to government services. Despite this commitment, data which might serve as indicators of discrimination are poor. The same is true of data which might indicate progress towards the elimination of discrimination. Nonetheless, women and migrants appear to be doing well. Government, however, has not recognised this. Agencies continue to press for further anti-discrimination measures.

This paper focuses on the impact and effectiveness of four key Federal anti-discrimination programs which seek to advance government equity goals. These programs include: 'A Fair Chance for All'; affirmative action for the private sector; 'Access and Equity'; and Equal Employment Opportunity (EEO) in the Commonwealth public service. The aim of these four Federal Government equity programs is to remove barriers in education, in employment and in access to government services.

The programs seek to make society more equal by identifying entire groups for special assistance, even though the needs and level of disadvantage of individuals comprising such groups can vary substantially. Four groups have been identified as 'disadvantaged' and in need of special government help. These are women, Aborigines, the disabled, and non-English-speaking-background persons (NESB). This last category is usually divided into two sub-categories: first-generation migrants (NESB1) and the children of such migrants (NESB2).¹ Thus, about six out of ten Australians are classified as disadvantaged by the Federal Government. However, for the purposes of this paper, I shall focus on the impact of these programs on women and NESB persons.

The four inter-related Federal programs reviewed here establish numerical targets for increased employment and participation in education and in government decision-making by target groups. The Federal Government claims that attaining such numerical targets and the participation of all persons on the basis of individual merit are compatible, and can be simultaneously accommodated. However, in practice the distinction between the two becomes blurred. Indeed, some contend that it is all too easy for targets to become de

facto quotas and in the process, under the guise of attaining equity, to discriminate against persons not included in target groups.²

The following discussion considers whether the four programs are empirically justified in the first place. If they are not, there is scope under existing arrangements for target groups to become over-represented.

REVIEW OF FEDERAL GOVERNMENT EQUITY PROGRAMS

A fair chance for all

Official government policy, reflected in government publications such as a 'Fair Chance for All', states that target groups are under-represented in higher education and need special assistance in obtaining places in universities. Various strategies are implemented to increase representation of target groups, including: support and bridging programs; awareness programs; and reviews of curriculum review.³ The following discussion assesses the position of women and NESB1 and NESB2 persons.

Many authors and policy makers assume that women are disadvantaged in education. However, some indicators show that by the 1990s women had caught up with and, in some cases, surpassed men. For example, higher education commencements in 1994 resulted in women taking up 56 per cent of all undergraduate positions and 53.5 per cent of 'other postgraduate' positions. Only in the higher-degree-by-research category did women comprise less than 50 per cent of students. In addition, women were well represented in prestige courses such as law, where 53.3 per cent of students enrolling were female.⁴

NESB persons have also been identified as being under-represented in higher education

institutions. For example, in 1991 the Minister for Higher Education and Employment Services said that the proportion of NESB1 and NESB2 persons would be increased, with higher education institutions being 'required to develop equity plans'.⁵ However, analysis of the data shows that the children of migrants (NESB2s) were, by 1991, more successful in obtaining tertiary qualifications than the children of Australian-born parents. For example, of females aged 25 to 34 years with Australian-born parents, an average of 9.1 per cent had a tertiary degree in 1991. This may be compared with 15.4 per cent of the female children of Greek migrants having a degree, 30.0 per cent of the female children of Malaysian migrants, 11.7 per cent of Lebanese and 15.4 of Polish.⁶ These data imply that programs targeting these allegedly disadvantaged groups could add to the imbalance against other less successful groups. The educational success of women and NESB graduates also raises questions about the need for special programs for such groups in public service recruitment policies (considered below).

Affirmative action

The *Affirmative Action (Equal Employment Opportunity for Women) Act 1986* seeks to eliminate barriers to employment of women in the private sector by requiring all private employers employing more than 100 persons to report to the Affirmative Action Agency (AAA). These employers must report on the number of women they employ and the attainment of various performance standards including: employment policies; training; identification of women; data on recruitment; data on selection and promotion; and strategic planning. To answer these questions companies have to modify their personnel records to comply with the format required by the AAA. In addition, standards have progressively been tightened to include new 'minimum standards'. The AAA claims that this Act does not set quotas or targets. Rather, it encourages removal of barriers through greater awareness. However, where companies fail to report or to provide an 'adequate' report to the AAA, they are '...ineligible for government contracts and specified forms of industry assistance'.⁷

In addition, the billions of dollars of governments contracts issued each year on a competitive basis to private sector employers often include equity and employment goals.

For example, the Department of Administrative Services 'Purchasing Manual' requires purchasing officers and contractors to consider government social policies, including access and equity. Therefore, governments can use their purchasing power to attain goals in the private sector, such as affirmative action for women.

However, in practice the level of discrimination against women in the private sector is hard to measure. Where independent research is undertaken which takes account of variables affecting career development, such as having children and family commitments, some analysts contend it is unclear whether women are discriminated against in a systematic manner in the private sector.

Access and equity

The 'Access and Equity' program is based on the premise that target groups – especially NESB persons – face barriers in participation in government decision-making and are less able than non-target groups (that is English-speaking-background males) to access government programs, share resources and represent their interests to governments. This program requires all Federal Government departments to consult with the Department of Prime Minister and Cabinet, and persons from target groups, when designing and implementing government programs. It is monitored by the Office of Multicultural Affairs (OMA).⁸

The efforts of Federal Government Departments are measured by the OMA by assessing the way in which programs have been implemented by each government agency, including:⁹

- every government department preparing access and equity plans, including staff training, community consultation and participation by target groups, when formulating and implementing policy;
- collecting data on consultations with, and employment of, target groups and reporting to government the outcomes, such as the number of persons from target groups employed; and
- removing barriers to access – including provision of interpreters, translators, wheel chair access, child care facilities, and provision for legislative change to further promote goals such as equality of outcome in employment.

However, the impact of the Access and Equity program in increasing the influence

and participation of target groups, especially NESB persons, is difficult to measure. The OMA measures the success of this program according to the extent to which Federal agencies implement it and the level of participation of NESB groups in decision making. The OMA also undertakes research to discover whether there are additional hidden impediments to target groups.¹⁰

In 1995 the National Multicultural Advisory Council – which plays a key role in monitoring the Access and Equity program – released a report recommending its extension. The Council recommended further effort to increase employment of NESB persons in the public sector, increased ethnic diversity in the media, and a requirement that State Governments implement the program.¹¹ Federal Cabinet is expected to respond to the Council's recommendations by mid-October 1995.

Equal employment opportunity (EEO)

The impact of EEO is more easily monitored and analysed than other programs such as Access and Equity, because of the availability of more data. Since 1984 the *Public Service Reform Act* has required all Federal Government departments to implement EEO programs. These EEO programs seek to eliminate discrimination against target groups, enable such groups to compete for promotion and increase the number of target persons employed at all levels by the Commonwealth. These programs specifically seek to employ more target groups at senior levels and to increase the variety of jobs undertaken by target groups. They are monitored by the Public Service Commission (PSC), with the raw data held by the

Department of Finance. EEO also features prominently in programs pursued by key co-ordinating agencies such as the Department of The Prime Minister and Cabinet.

In 1993 a 'strategic plan' was launched by the PSC. This plan was based on the premise that all four target groups were under-represented in the Australian Public Service (APS). Various strategies to increase the representation of the groups were outlined, including a new legislative framework, training, recruitment and reviews of programs for target groups.

Table 1 shows the percentage of the labour force comprising each target group in 1993 and their representation in the APS in the early 1990s. It also shows the target for representation of target groups in the APS in the year 2000. According to the PSC these targets – with the exception of the targets for women – are based on the size of each target group expressed as a proportion of the total Australian population 15 years and over.¹² According to the PSC, over the last three years, representation of target groups has increased to almost equal the targets established for the year 2000.

EEO and women

By June 1994 women comprised 48 per cent of total APS staff, a somewhat higher share than their participation in the overall workforce. However, women comprised only 16.5 per cent of senior executives in the APS, below the 20 per cent target set for the year 2000.¹³ Therefore, increasingly the focus and justification for the continuation of EEO – by the PSC and OMA and so on – is the under-representation of target groups, including women, at the most senior levels of the APS.

Table 1: Representation of EEO target groups in the APS in the early 1990s

	Aboriginal and Torres Strait Islanders	People with disabilities	NESB1 and NESB2 persons	Women
Percentage of population (15 yrs+)	1.0	10.9	15.8	50.6
Percentage of the labour force (1993)	1.0	9.0	14.6	41.7
Percentage of permanent APS 1992	1.2	4.0	12.2	46.6
Target percentage for year 2000	2.0	5.0	15.0	20.0*

Source: Public Service Commission, *EEO: A Strategic Plan for the APS in the 1990s*, Canberra, 1993, p. 29-31

* This 20 per cent figure for women is for the senior executive service (SES) only.

Nevertheless, a study by the Department of Finance found that promotion rates for women – which are a good indicator of any ‘barrier or disadvantage for women’ – are comparable to those for men. Indeed, at the senior officer grade level, promotion rates for women are virtually identical to men’s. The senior officer grades provide a pool of staff who can be promoted to the most senior levels of the Australian public service, the ‘senior executive service’. This study concluded that there is no disadvantage for women as they move through the senior officer grade or the senior executive service. It also found that the lower number of women at the senior executive level simply reflected the time lag, as larger numbers of women filter up to the top.¹⁴

On the other hand, at the more junior – but more numerous APS positions – women often comprise more than 50 per cent of positions. A key objective of EEO is to increase the representation of target groups ‘across all levels and structures in the APS’.¹⁵ Given this, in theory, increasing the representation of women at the most senior levels of the APS, whilst ignoring the fact that women often comprise over 50 per cent of positions at more junior levels, could in time result in women being over-represented at senior levels as well.

EEO and NESB persons

In 1992 the Federal Government established a 15 per cent target for NESB persons in the APS. By 1995 this target had essentially been met, with 14.7 per cent of APS having an NESB background. However, NESB persons comprise only 8.9 per cent of senior executives and the PSC and OMA claim that therefore NESB persons need to remain a target EEO group.

Deficiencies in the NESB target and data sources

It is not clear why the PSC chose the 15 per cent target figure. It is derived from the Australian Bureau of Statistics Labour Force Survey.¹⁶ But this only includes NESB1 persons. If the NESB2 group in either the population or the work force had been included the target figure would have been much higher.¹⁷ However, as argued below, the aggregate NESB1 and 2 population is largely irrelevant to any evaluation of EEO for NESB persons. What matters is whether the NESB persons who possess the quali-

fications necessary for appointment to the public service are being treated equitably. In the following analysis, we refer to the PSC’s 15 per cent target but in addition includes both NESB 1 and 2 components of the Australian population.

It is also important to note that estimates of the number of employees in the public service who are NESB persons – and the disabled and Aborigines – are based on a survey of public servants who volunteer to identify their background. There is no checking of the accuracy of these claims. In practice, a substantial number of public servants have refused to identify their language background. For example, in December 1994, over 30,000 public servants, equal to 22.7 per cent of all public servants, did not provide data on language background.¹⁸

However, the PSC classify all such persons as of English-speaking-background, despite the fact that many would be NESB and – for a variety of political and privacy reasons – do not wish to have their ethnic and/or language background identified by their employer. Therefore, PSC data underestimate the numbers of NESB persons, possibly by three or four percentage points if we assume that of the 22.7 per cent some 15 per cent are of NESB1 and NESB2 origin. In addition, it is disturbing that this important caveat about deficiencies in PSC data about NESB persons is rarely acknowledged in government reports on the status of NESB persons in the APS.

NESB by seniority in the APS

Figure 1 shows the proportion of the APS with a NESB1 and NESB2 background in 1994-95 at different classifications. ASO1 is the lowest classification. The rankings increase progressively to the most senior, SES3, level. Figure 1 also shows the target representation in the year 2000 for all NESB persons (15 per cent). Like women, the numbers of NESB at lower levels of the APS sometimes exceed the target for 2000. For example, in 1994-95, NESB persons exceeded 15 per cent for ASO2 to ASO4 positions.¹⁹

Therefore, even though NESB1 and NESB2 persons are under-represented at senior ranks of the APS, these persons exceed the 15 per cent target at more junior – but more numerous positions.²⁰ Unfortunately, no studies of NESB public servants are available which, like that for

women, assess promotion rates. But it may well be that younger officers of NESB origin are holding their own and, that with more being recruited at lower levels, any imbalance at higher levels will soon be addressed.

Controlling for age

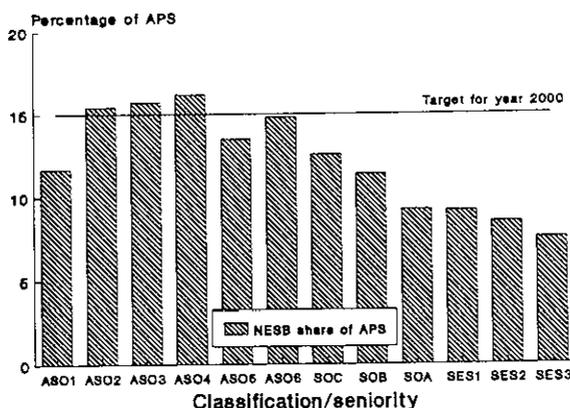
It is also important to consider the ages of NESB persons working in the APS. As shown by the Department of Finance study of promotion rates for women cited earlier, it takes time to be promoted to the senior ranks of the APS. Under-representation of NESB persons could simply result from many NESB persons in the APS – especially NESB2 – being relatively young.

Figure 2 shows NESB 1 and 2 persons and total NESB persons by age, as a percentage of the APS in 1994-95. These data enable us to pose a genuine test of NESB representation in the APS. By comparing these age-adjusted rates with the share of NESB persons in the population, we can better assess whether these groups are disadvantaged.

NESB 1 and 2 persons exceed 16 per cent of all public servants at the 30 to 34 age bracket. They are well represented in the 25 to 49 age brackets compared to the 15 per cent target. By contrast, their numbers are fewer in the older age groups. In addition, they are under-represented in the under 29 age bracket of the APS. It is unclear whether lower representation at younger age groups results from a reduction in recruitment of NESB persons or a refusal by such persons to have their backgrounds identified, or a combination of these two factors, or whether other factors are at work here.

However, few NESB1 persons can be expected in the APS in younger age groups, because they frequently lack university qualifications and are often unlikely to be eligible

Figure 1: NESB1 and NESB2 persons by classification as a percentage of APS, 1994-95

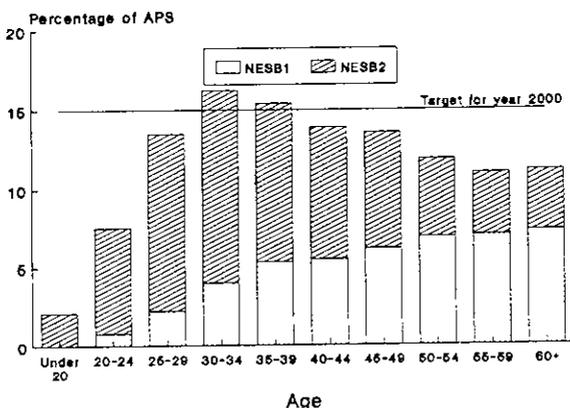


Source: Department of Finance, unpublished

to work in the APS because they are not Australian citizens. By contrast, NESB2 persons are likely to be younger and therefore more numerous than NESB1 in the younger age groups. In addition, as noted above, NESB2 persons often have university qualifications and can be expected to be well represented at younger age groups. Figure 2 shows that this is indeed the case, with NESB2 persons comprising a large proportion of total NESB persons in the younger age groups.

With this background we can turn to comparing the proportion of the total

Figure 2: NESB persons by type and age as a percentage of the APS by age, 1994-95



Source: Department of Finance, unpublished

population that are NESB 1 and 2 for each age group (expressed as a proportion of the total population), with their representation in the APS. Table 2 shows the proportion of the total population in each

age class that is NESB1 compared with their numbers in the APS. As expected, this shows that NESB1 persons are under-represented in the APS. However, as noted above, the lack of accredited university qualification means many first generation migrants are unlikely to be eligible to obtain employment in the APS.

Table 3 shows the proportion of the total population that are NESB2 at the age groups 15 to 45+. It shows that NESB2 persons are, in most age groups, over-represented in the APS compared to their numbers as a proportion of the total population. This is not surprising, given that a higher proportion of NESB2 persons hold qualifications than the parallel English-speaking-background population. The application of EEO incentives will mainly benefit the NESB2 group which, on the evidence available, is not genuinely disadvantaged at all.

CONCLUSION

For reasons of space this article does not provide a comprehensive analysis of the four anti-discrimination programs. To address these issues thoroughly a more extensive analysis is required. It is clear that government policies and programs such as 'A Fair Chance for All', affirmative action, 'Access and Equity' and Equal Employment Opportunity are designed to assist groups – such as women, NESB, Aborigines and the disabled – which are officially classified as 'disadvantaged'. The alleged status of these target groups in Australia has often been evaluated by relatively crude measures. Such indicators can provide a misleading picture of the status and level of disadvantage of these groups.

Some indicators – especially the proportion of senior executives in the Australian Public Service from target groups – have

Table 2: Proportion of NESB1 persons by age, and by age and employment in APS

Age class	15-19	20-24	25-29	30-34	35-39	40-44
NESB1 % population, 1991	7.6	10.2	12.7	14.5	16.9	19.6
NESB1 % APS, 1994-95	No data	0.8	2.2	4.0	5.3	5.5

Sources: Department of Finance data on NESB by age and seniority, unpublished; 1991 Census Matrix table CSC6035²¹

Table 3: Proportion of NESB2 persons by age, and by age and employment in APS²²

Age class	15-24	25-34	35-44	45+
NESB2 % population, 1991	15.0	11.0	5.0	2.8
NESB2 % APS, 1994-95	6.5	11.7	9.2	6.0

Sources: Unpublished Department of Finance data on NESB by age and seniority, 1991 Census Matrix table CSC6035 and Birrell and Khoo 1995, Table 1²²

been used by public sector organisations, such as the Public Service Commission and the Office of Multicultural Affairs, to justify extension of programs assisting groups classified as disadvantaged. At the same time, use of other more sophisticated measures – some of which have been employed in this paper – appears to have been eschewed by these very organisations.

Indeed, from the analysis undertaken here, it is clear that an assessment of the status of target groups in the public service should at the very least include – in addition to existing measures – a full and frank admission that the data on NESB persons, Aborigines and the disabled which form the basis of official targets are imprecise and likely to underestimate their numbers in the APS. Data on target groups should also include information controlling for the age of the people comprising these groups, their rates of promotion and their representation in the APS as a proportion of each target group in the Australian population.

Preliminary analysis of a range of indicators suggests that disadvantaged groups might not encounter systematic discrimination in access and employment, as claimed. Indeed, the analysis undertaken herein suggests that the 'disadvantaged' status of women and NESB persons may be based on outdated notions.

Programs for the disadvantaged were never meant to be permanent and should be wound-up once they have attained their goals. However, the development of a bureaucracy providing special services for target groups and the absence of independent review mechanisms, means that in practice programs for the disadvantaged could become permanent, regardless of the actual level of 'disadvantage'.

Sections of the bureaucracy, and individuals who have based their careers on extending these programs, continue to lobby governments and policy makers to extend anti-discrimination programs. The recommendation by the National Multicultural Advisory Council in July 1994 that the Access and Equity program be extended to all State and local governments is an example of this. (The Council proposed that this be achieved through funding being tied to attaining arbitrary access and equity goals. This Council also recommended forcing up the numbers of NESB persons in the APS, to 'achieve a more multicultural' APS.²⁴) In addition, the Public Service Act Review Group was asked by the Assistant Minister for Industrial Relations to review policies. It recommended in 1994 that:

The Review Group believes that the adoption of EEO policies in staffing and program management practices continue to be essential.²⁵

Yet continuation and extension of these programs could result in the target groups becoming systematically over-represented compared to individuals not targeted, such as lower-socio-economic-status English-speaking-background males.

Further research is now urgently needed into the status and level of disadvantage experienced by the target groups named in anti-discrimination programs. A much wider range of indicators should be used in a systematic manner. Only with better information can the impact of the four programs reviewed here be monitored in a transparent and accurate manner.

The use and misuse of similar programs overseas has helped generate opposition to affirmative action policies such as the use of government purchasing to attain increased jobs for target groups. For example, in the USA the Supreme Court ruled in June 1995 that Federal programs which award contracts on the basis of race could be unconstitutional.²⁶ Also, in July 1995, the Premier

of the province of Ontario in Canada announced that the *Equal Opportunity Act 1992* would be abandoned because it was a 'quota driven system'. This Act has some similarities to the Australian *Affirmative Action (Equal Employment Opportunity for Women) Act 1986*, because it requires employers to compile a detailed workforce report identifying the number of women. The Premier promised to replace this law with an 'equal opportunity' plan that would help break down discrimination and allow employers to choose the best person for the job.²⁷ Unless Australian administration of affirmative action measures improves we may see a similar response in Australia.

The views expressed here are those of the author and not those of any organisation or group.

References

- ¹ A person is classified by governments as NESB2 where either one or two parents are from a non-English-speaking background.
- ² Moens, G. *Affirmative Action: The New Discrimination*, Centre for Independent Studies, Sydney, 1985, p. 73
- ³ Department of Employment, Education and Training 1990, *A Fair Chance for All: Executive Summary*, Australian Government Publishing Service (AGPS), Canberra
- ⁴ B. Birrell, I. Dobson, V. Rapson and F. Smith, 'Female Achievement in Higher Education and the Professions', *People and Place*, vol. 3, no. 1, 1995, pp. 43-54
- ⁵ Minister for Higher Education and Employment Services (The Hon P. Baldwin MP), 'Report on Ethnicity of Higher Education Students Released', *Media Release*, 21 May 1991
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- ⁷ Affirmative Action Agency, *A Practical Guide to Affirmative Action*, AGPS, Canberra, 1995, p. 24
- ⁸ Office of Multicultural Affairs, *Achieving Access and Equity*, Department of Prime Minister and Cabinet, Canberra, 1994
- ⁹ *ibid.*
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- ¹¹ National Multicultural Advisory Council, *Multicultural Australia: The Next Steps Towards and Beyond 2000: Volumes 1 & 2*, AGPS, Canberra, 1995
- ¹² Public Service Commission, *Implementation of EEO in the APS 1993-94: State of the Service*, AGPS, Canberra, 1993
- ¹³ Department of Finance, *Australian Public Service Statistical Bulletin 1993-94*, Department of Finance, Canberra, 1994, p. 14, 16
- ¹⁴ Development, Analysis and Statistical Section, 'Promotion Opportunities for Women in the

- ASP', *Working Paper*, Department of Finance, Canberra, October 1993
- ¹⁵ Public Service Commission, *Implementation of EEO in the APS 1993-94: State of the Service*, AGPS, Canberra, 1993, p. 4
- ¹⁶ Public Service Commission, *Equal Employment Opportunity, A Strategic Plan for the Australian Public Service for 1990s*, 1993, p. 29
- ¹⁷ This can be shown by totalling the proportion of the population that is NESB1 (Table 2) and NESB2 (Table 3). For example, for 25-34 year olds the proportion is about 24 per cent.
- ¹⁸ Public Service Commission, *Productive Diversity in the APS*, July 1995, and unpublished PSC data
- ¹⁹ ASOs 1 to 6, SOC, B & A and SES 1 to 3 are the standard classifications for the APS. However, there are a number of other classifications which in some cases are roughly comparable to these standard classifications. Therefore, the data in this figure includes persons at the named classifications and their equivalents.
- ²⁰ For example, in 1993-94 there were 22,057 persons classified as ASO4 or equivalents, whilst there were only 367 persons at the senior SES2 level.
- ²¹ Methodology: Percentage of population by age for males and females from 1991 Census matrix table CSC6035. Percentage of APS by age classified as NESB1 obtained from unpublished Department of Finance data.
- ²² The data herein is based on where the father is NESB1. Therefore, it will include persons where both parents are NESB1 and where only the father is NESB1, but not where only the mother is NESB1. Therefore, the estimated numbers of NESB2 persons in Table 3 is likely to slightly underestimate their actual numbers.
- ²³ Methodology: Percentage of population by age obtained from 1991 Census matrix table CSC6035 by totalling males and females. NESB2 calculated by subtracting children whose fathers were from English speaking countries (Australia, New Zealand, UK, Ireland, USA and Canada) from all second generation persons to obtain total number of NESB persons.
- ²⁴ National Multicultural Advisory Council, op.cit.
- ²⁵ Public Service Act Review Group, *Report of the Public Service Act Review Group*, AGPS, Canberra, December, 1994, p. 121
- ²⁶ The Economist, 'Affirmative Action: Death by Judges?', *The Economist*, 17 June, 1995, pp. 34-35
- ²⁷ The Australian, 'Ontario to abolish affirmative action', *The Australian*, 21 July 1995, p. 8

IMMIGRATION AND THE SURPLUS OF DOCTORS IN AUSTRALIA

Bob Birrell

Since the mid 1980s the number of overseas-trained doctors entering Australia as permanent residents or temporary residents has escalated. The Australian Government has sought to control this intake because it believes there is an oversupply of doctors especially in urban general practice. However, the Government's control measures have largely failed. As a consequence Australian medical schools have been told to cut their enrolments, beginning in 1996.

There is some dispute about the extent and nature of the alleged doctor 'oversupply'. But, from the point of view of the Australia government, the surplus is large, growing and expensive. Evidence for this surplus can be found in a swag of recent reports which argue that Australia's doctor-patient ratio is high by international standards and, in particular, that there are too many General Practitioners located in metropolitan areas.¹

The federal government believes that overseas-trained doctors (OTDs) have added significantly to this oversupply. It has therefore sought to reduce the number of OTDs entering medical practice in Australia, either as temporary workers or as permanent residents, but to this point in time, with only limited success. There are three main reasons for this. The number of doctors being recruited to work on temporary visas has

actually expanded since the early 1990s. Similarly, the number of doctors entering Australia as permanent residents, or changing their status to permanent residence after arriving as temporary workers or students, remains very high. The third reason concerns the implementation in 1992 of a quota capped at 200 on the annual number of permanent-resident OTDs permitted to gain accreditation. This has been the most effective barrier against the entry of OTDs to practise medicine here. It is now in disarray. On 7 August 1995 the government's own Human Rights and Equal Opportunity Commission (HREOC) issued a judgement which concluded that the quota contravenes the Racial Discrimination Act.

This article examines the origins and implications of these developments. The most striking of the implications is the