

## Regulatory Hotline

March 20, 2023

### AUSTRALIA AND INDIA'S EDUCATION FRAMEWORK – WHAT IT MEANS FOR STAKEHOLDERS

The Government of India and the Government of Australia agreed on a “Mechanism for the Mutual Recognition of Qualifications” on March 2, 2023 (“Mechanism”). The Mechanism inter alia aims to increase mobility of students and job-seekers between India and Australia as well as minimize barriers to recognition of qualifications between the two countries. The scope of the Mechanism includes not only higher education, research and employment, but also skill education.

The Mechanism is part of a larger cooperation between the Australian and Indian governments. The governments signed the Australia-India Economic Cooperation and Trade Agreement (“ECTA”), which came into effect from December 2022. The ECTA inter alia contains provisions on

- encouraging mutual recognition of the qualifications, licensing, and registration procedures across professional services and services in regulated or licensed occupations of mutual interest to both countries;
- working towards the development of mutually acceptable professional standards and criteria in mutually agreed areas such as (a) education; (b) examinations; (c) experience; (d) conduct and ethics; (e) professional development and re-certification;
- providing post-study work visas based on different levels of qualifications.

#### Key features

Both the Ministry of Education (“MoE”) and the Ministry of Skill Development and Entrepreneurship (“MSDE”) will be the implementing authorities in India, while their counterpart in Australia will be the Department of Education (“DoE”). The MoE, MSDE as well as their designated authorities have committed to recognize all Australian Qualifications Framework (“AQF”) qualifications which are awarded by certain Australian bodies including at the higher education and skill education levels. Further, the Mechanism provides a list of Australian qualifications which will be deemed to be the comparable Indian level qualification, including for the purpose of employment by the Government. For instance, AQF bachelor degrees will be deemed comparable to an Indian bachelor degree for seeking admission to master's degree programs. Similarly, AQF graduate certificate and graduate diploma qualifications will provide admission to master's degree programs, and where appropriate, credit transfer will be granted.

Currently, the Association of Indian Universities (“AIU”) in India grants equivalence to foreign degrees and diplomas. Students who have been conferred such degrees or diplomas are required to apply to the AIU for equivalence, subsequent to which AIU evaluates the programme and grants an equivalence certificate. By virtue of the Mechanism, it is likely that separate applications for seeking equivalence from AIU will not be needed.

Further, the Government of India will deem graduates with the qualifications listed in the Mechanism which are obtained in Australia to be holding comparable Indian qualifications for the purposes of general employment, where such qualifications are required.

There are similar commitments from the DoE and Government of Australia to recognize (and consider as comparable to corresponding Australian qualifications) the qualifications awarded by the University Grants Commission (“UGC”), All-India Council for Technical Education (“AICTE”), National Council for Vocational Education and Training (“NCVET”), as well as State Councils for Vocational Training (“SCVT”). The Government of Australia will also deem graduates with the qualifications listed in the Mechanism which are obtained in India to be holding comparable Australian qualifications for the purposes of general employment, where such qualifications are required.

#### Professional disciplines excluded

Notably, the Mechanism does not apply to disciplines which are regulated by professional bodies (such as law and medicine in India). Nevertheless, both countries have committed to encourage professional bodies within their respective jurisdictions to facilitate bilateral discussions on recognition of relevant qualifications.

#### Online qualifications

One of the most significant provisions in the Mechanism pertains to qualifications awarded for online programmes. The Mechanism states that the relevant Indian and Australian authorities

- will recognize as comparable, such qualifications which are delivered online (whether partially or fully) during events of force majeure; and
- will consider for comparability other qualifications which are delivered online (whether partially or fully)

Interestingly, while the Indian Government has committed to recognize Australian qualifications delivered online for employment purposes, the Australian Government has not made such a commitment for Indian qualifications.

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## Impact of the Mechanism

As is evident from the above, the Mechanism is ground-breaking as far as educational cooperation between India and Australia are concerned. It is set to benefit an increasing number of Indians who travel to Australia for studies, both at the undergraduate and postgraduate levels. The Mechanism provides a strong impetus for Indian students to study in Australian institutions, in addition to significant amount of flexibility.

— Aniruddha Majumdar & Aparna Gaur

You can direct your queries or comments to the authors

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<sup>1</sup>Available at: <https://www.education.gov.au/international-education-engagement/resources/recognition-qualifications-australia-india> (Last accessed on March 10, 2023).

<sup>2</sup>Available at: <https://www.dfat.gov.au/trade/agreements/in-force/australia-india-ecta/australia-india-ecta-official-text> (Last accessed on March 14, 2023).

<sup>3</sup>The AQF is the policy for regulated qualifications in the Australian education and training system. The AQF encompasses higher education, vocational education and training (VET), and schools.

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**Vaibhav Parikh, Partner, Nishith Desai Associate on Tech, M&A, and Ease of Doing Business**

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