

ISCA Submission to the Draft Traffic Light Bulletin – March 2020 Review

ISCA is the national peak body representing the Independent school sector. It comprises the eight state and territory Associations of Independent Schools (AISs). Through these Associations, ISCA represents a sector with 1,148 schools and 631,762 students, accounting for approximately 16 per cent of Australian school enrolments. ISCA's major role is to bring the unique needs of Independent schools to the attention of the Australian Government and to represent the sector on national issues.

Independent schools are a diverse group of non-government schools serving a range of different communities. Many Independent schools provide a religious or values-based education. Others promote a particular educational philosophy or interpretation of mainstream education.

Independent schools include:

- Schools affiliated with Christian denominations for example, Anglican, Catholic, Greek Orthodox, Lutheran, Uniting Church, Seventh Day Adventist and Presbyterian schools
- Non-denominational Christian schools
- Islamic schools
- Jewish schools
- Montessori schools
- Rudolf Steiner schools
- Schools constituted under specific Acts of Parliament, such as grammar schools in some states
- Community schools
- Indigenous community schools
- Schools that specialise in meeting the needs of students with disabilities
- Schools that cater for students at severe educational risk due to a range of social/emotional/behavioural and other risk factors.

Many Independent schools have been established by community groups seeking to meet particular needs. Examples include the Independent community schools for Indigenous students in remote areas, special schools for students with disability and boarding schools to educate children from rural and remote areas. There are also schools that seek to reflect the religious values of a particular community or that seek to practise an internationally recognised educational philosophy such as Rudolf Steiner or Montessori schools.

Most Independent schools are set up and governed independently on an individual school basis. Unlike other school education sectors, school leaders, teachers, and other staff in Independent schools are employed directly by individual schools, or in some cases by the system that owns and operates the school. Four out of five schools in the sector are autonomous non-systemic schools.

Background

In 2017 the Australian Government abolished the Temporary Work (Skilled) visa (subclass 457 visa), which had been commonly used by Australian employers to sponsor skilled overseas workers to work temporarily in Australia. The 457 visa program was replaced with the Temporary Skill Shortage (TSS) visa. The intent of the TSS visa is to support businesses in addressing genuine skill shortages and strengthen the integrity and quality of Australia's temporary and permanent employer sponsored skilled migration programmes.

The TSS visa programme is comprised of a Short-Term stream of up to two years and a Medium-Term stream of up to four years. One of the stated key elements of the changes to the 457 visa program was the introduction of new "targeted occupation lists which *better align* with skill needs in the Australian labour market"¹.

With the changes there are now several school-related occupations which are no longer listed on the Medium and Long-term Strategic Skills List (MLTSSL), including highly skilled school principals and other school staff. This change caused considerable concern to the Independent school sector.

ISCA and the Association of Heads of Independent Schools of Australia (AHISA) have raised this significant issue on several previous occasions. ISCA recommends that ISCA's current submission be read in conjunction with AHISA's current submission to this review.

On 16 June 2017 ISCA wrote to the then Minister for Immigration and Border Protection and the then Minister for Education and Training regarding our concerns on the potential impact on schools.

ISCA has also raised this issue in submissions to the then Department of Education and Training on 1 September 2017, to the then Department of Immigration and Border Protection's 'Visa Simplification - Transforming Australia's Visa System' Review on 4 September 2017, to the 'Draft Traffic Light Bulletin on Short-term and Medium-Term to Long-Term Skilled Migration Lists' on 30 November 2017, to the 'Draft Traffic Light Bulletin – Mid-Year Update to Occupation Lists' on 20 June 2018, and to the Senate Standing Committees on Legal and Constitutional Affairs 'Inquiry into the effectiveness of the current temporary skilled visa system in targeting genuine skills shortages' on 14 December 2018.

The concerns and issues that ISCA discussed in these submissions have become more acute, with considerable negative flow-on consequences within Independent school communities, in the more than two and a half years since the initial changes to the previous 457 visa program.

The effect of changes on Independent schools

Under the current settings school principals are not eligible for the medium-term (4 year) visas under the MLTSSL; they are only eligible for the short-term (2 year) visas, with a possible two-year renewal as prescribed by the STSOL. This change is having an adverse impact on the Independent school sector as a significant number of schools utilised the medium-term 457 visa type for the international recruitment of school principals.

The recruitment and relocation costs involved for the recruitment of a successful international applicant are almost impossible for a school to justify for a two-year visa, particularly with a renewal process which is not guaranteed. Generally Independent schools are looking at five-year contracts as stability and consistency are highly prized elements of school leadership.

¹ <https://web.archive.org/web/20170624100449/http://www.border.gov.au/Trav/Work/457-abolition-replacement> (emphasis added)

It is imperative for Independent schools to be able to access a wide range of candidates to fill leadership positions in schools. In an increasingly globalised context, it is natural that Independent schools would wish to recruit highly skilled principals with international experience and skills.

We also have concerns that similar changes which have been made for a range of other school related professions will also inhibit the hiring of qualified and professional staff in Independent schools. These include primary and middle school teachers, student counsellors, residential care officers and other senior staff who are no longer considered to be eligible.

While school principals can utilise the occupation 'Chief Executive or Managing Director (11111)' which is still on the MLTSSL, this is a stop-gap solution and it is ISCA's view that recognition of 'School Principal' on the MLTSSL would be the preferred option, signalling an appreciation of the unique leadership role of school principals in the education sphere.

While there is an alternative pathway for principals, this is not however the case for numerous other school-related occupations which have previously been moved from the MLTSSL to the STSOL

A 2017 survey undertaken by AHISA of its members showed that in addition to school principals, Independent schools extensively utilised the 457 visa program to employ a range of staff. These include the following:

- Heads/Directors of Learning or Learning Innovation or Social Emotional learning
- Business Managers
- Teachers in recognised difficult to staff areas including: native speakers for Languages other than English (LOTE) subjects; teachers of Mathematics, Chemistry, Physics, Latin and Music; teachers of Special Education
- Staff with experience in international schools
- Leaders of International Baccalaureate (IB) programs (primary, middle years and senior secondary) and teachers in all IB subject areas
- Religious Studies teachers and ministers/pastors/rabbis or others with specialist religious qualifications
- Boarding supervisors and Heads of Boarding.

The employment of overseas staff enables Australian Independent schools to bring into this country a range of expertise in international curricula, high priority learning areas such as science, technology, engineering and mathematics (STEM), experience in boarding schools and also experience in schools with an international focus.

The recruitment of suitable staff is particularly an issue for Independent schools located in regional, remote and very remote locations. One third of Independent schools are located outside of metropolitan areas, including a sizable number of boarding schools.

The Independent school sector is by far the largest provider of boarding school education for Australian school students which means that sometimes to engage highly qualified staff, Australian Independent schools must look overseas to other countries which also have a strong boarding school tradition. For many of these schools, overseas recruitment is the most common way to address staffing shortfalls of teachers and boarding staff.

The inclusion of the 'Minister of Religion' occupational category (272211) would greatly assist Independent schools to recruit school chaplains and other religious staff. This is important to the Independent sector as 85% of Independent schools are faith-based schools.

It is also important to note that similar employment opportunities in other countries are taken up by Australian teachers, senior staff and principals, greatly enhancing Australia's international reputation and bringing back to Australia enhanced expertise and cross-cultural understandings when these professionals return.

The Independent school sector is quite different in nature to the larger systemic government and Catholic sectors as Independent schools have the sole responsibility for hiring suitable and experienced staff in schools. They are not able to encourage staff to take up positions in schools in non-metropolitan areas or to move staff to address specific shortages.

The changes that have been made, and the further proposed changes, may not appear to widely impact the school sector as a whole but they do have a considerable impact on individual Independent schools and this must be taken into consideration when considering the Occupation Lists. Without access to a wider pool of experienced and skilled staff, management of schools becomes more difficult and narrows the options open to individual schools to find appropriate candidates for positions.

We hope that the views of ISCA put forward in this submission, and the views of the Independent sector more broadly, will be taken into consideration for the update of the Occupation Lists.

Recommendations

ISCA recommends that the following occupations be restored to the Medium-Term to Long-Term Skilled Migration List and eligibility for four-year visas.

Occupation title	Occupation number	Current Status (Skilled Occupation List)	ISCA recommendation
School Principal	134311	STSOL	MLTSSL
Education Manager	134499	STSOL	MLTSSL
Specialist Manager	139999	STSOL	MLTSSL
Primary School Teacher	241213	STSOL	MLTSSL
Middle School Teacher	241311	STSOL	MLTSSL
Education Adviser	249111	STSOL	MLTSSL
Careers Counsellor	272111	OFF (March 2020 Draft TLB)	No change
Student Counsellor	272115	STSOL	MLTSSL
Counsellors	272199	STSOL	MLTSSL
Minister of Religion	272211	STSOL	MLTSSL
Residential Care Officer	411715	STSOL	MLTSSL