

Senate Standing Committees on Legal and Constitutional Affairs Inquiry into the effectiveness of the current temporary skilled visa system in targeting genuine skills shortages

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 1,104 schools and 594,200 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.

Background

On 18 April 2017, the Hon Malcolm Turnbull MP, Prime Minister of Australia and the Hon Peter Dutton MP, Minister for Immigration and Border Protection jointly announced that the Temporary Work (Skilled) visa (subclass 457 visa) would be abolished and replaced with the completely new

Temporary Skill Shortage (TSS) visa. The intention of the new visa is to strengthen the integrity and quality of Australia's temporary and permanent employer sponsored skilled migration programmes.

It was announced that the TSS visa programme would be comprised of a Short-Term stream of up to two years and a Medium-Term stream of up to four years. One of the 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 has caused significant concern to the Independent school sector.

When ISCA became aware of this issue we, and other Independent sector organisations such as Independent Schools Victoria (ISV) and the Association of Heads of Independent Schools of Australia (AHISA), wrote to both Ministers Dutton and Birmingham regarding our concerns on the potential impact on schools. Further, ISCA has made submissions to the updates of the Occupation Lists for January 2018 and also June 2018.

The effect of changes on Independent schools

Under the current settings school principals are no longer 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.

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 also 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.

However, while there is an alternative pathway for principals, this is not the case for a number of other school-related occupations which were moved from the MLTSSL to the STSOL. Additionally, in the most recent Department of Jobs and Small Business' *Traffic Light Bulletin 2018 Mid-Year Update to Occupation Lists*², both 'Middle School Teachers' and 'Residential Care Officer' were flagged for

¹ <https://www.border.gov.au/Trav/Work/457-abolition-replacement>

² https://docs.jobs.gov.au/system/files/doc/other/180530_tlb_brief_mid_year_update.pdf

possible removal from the Short-Term Skilled Occupation List (STSOL) which is completely contrary to the sector's previously stated position that these occupations should in fact be moved from the STSOL to the MLTSSL.

A 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 also 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 significant 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. For this reason, the proposed removal of 'Residential Care Officer' from the STSOL is of significant concern to the Independent sector.

The inclusion of the 'Minister of Religion' occupational category (272199) 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 and 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 significant 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 next 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 (Draft Traffic Light Bulletin)	ISCA recommendation
School Principal	134311	STSOL (no change)	MLTSSL
Education Manager	134499	STSOL (no change)	MLTSSL
Specialist Manager	139999	STSOL (no change)	MLTSSL
Primary School Teacher	241213	STSOL (no change)	MLTSSL
Middle School Teacher	241311	OFF (Draft TBL)	MLTSSL
Education Adviser	249111	STSOL (no change)	MLTSSL
Student Counsellor	272115	STSOL (no change)	MLTSSL
Counsellors	272199	STSOL (no change)	MLTSSL
Minister of Religion	272211	Remains OFF	MLTSSL
Residential Care Officer	411715	OFF (Draft TLB)	MLTSSL

ISCA
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