



Independent Schools  
Council of Australia

Senate Legal and Constitutional Affairs Committee  
Inquiry into  
Migration Legislation Amendment (Student Visas) Bill 2012

Submission by  
The Independent Schools Council of Australia (ISCA)

**Introduction: About ISCA**

*The Independent Schools Council of Australia (ISCA) is the peak national body covering the independent schools sector. It comprises the eight State and Territory Associations of Independent Schools. Through these Associations, ISCA represents a sector with nearly 1,090 schools and 550,000 students, accounting for nearly 16 per cent of Australian school enrolments.*

*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 larger and smaller 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.*

*Independent schools are not-for-profit institutions founded by religious or other groups in the community and are registered with the relevant state or territory education authority. Most independent schools are set up and governed independently on an individual school basis. However, some independent schools with common aims and educational philosophies are governed and administered as systems, for example the Lutheran systems. Systemic schools account for 16 per cent of schools in the independent sector. Independent Catholic schools are a significant part of the sector, accounting for 10 per cent of the independent sector's enrolments.*

## **Key Points**

ISCA is concerned that the Migration Legislation Amendment (Student Visas) Bill 2012 has the potential to create a significant administrative burden for providers, particularly independent schools which generally do not have the large numbers of support/administration staff that larger providers do.

### **Overseas students enrolled in independent schools**

Approximately 42% of all overseas students enrolled in the school sector in Australia attend independent schools. In 2011 there were nearly 7,500 overseas students enrolled at 360 independent schools<sup>1</sup>. ISCA estimates between 30-40% of all CRICOS registered providers in Australia are independent schools that are individually registered and individually responsible for meeting compliance requirements. Some schools also have ELICOS centres attached to their institutions which may also be separately registered on CRICOS.

By contrast, state departments of education (enrolling approximately 54% of overseas school students overall) hold single provider registrations covering any number of state schools enrolling overseas students within a state.

Overseas student enrolments in independent schools vary from 1 to just over 250 overseas students. The median number of overseas students at an independent school is 9 students.

This profile differs quite substantially from other sectors. For the vast majority of independent schools, overseas students do not determine the school's sustainability. Rather, overseas students provide a much valued international element and diversity to school populations.

### **Impact of recent challenges in international education on non-government schools**

Since 2008, declines in overseas student enrolments in the school sector have been most significant in non-government schools in New South Wales and Victoria, the states most affected by adverse publicity about "private" education providers in the media overseas in 2009. Declines in other states have also been experienced between 2009 and 2011, albeit to a lesser extent.

Apart from the impact of adverse media coverage overseas on the non-government schools sector, other factors commonly reported as influencing the rapid decline of overseas school student enrolments have been the continuing strength of the Australian dollar, and the relative ease of being granted visas to study in competitor countries.

However, ISCA has consistently identified increases in compliance burden and costs associated with gaining and maintaining CRICOS registration as significant disincentives for the large number of CRICOS registered non-government schools. Generally, these schools only wish to enrol comparatively small numbers of overseas students as part of an international engagement strategy aimed at enhancing and diversifying school programs and student cohorts.

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<sup>1</sup> Based on DEEWR 2011 Non-government School Census Data

## **Concerns with the Migration Legislation Amendment (Student Visas) Bill 2012**

The recommendation by the Knight Review that mandatory visa cancellation be removed provides more scope for the Department of Immigration and Citizenship (DIAC) to strategically use their resources when dealing with non-compliance by students. However, the requirement in the Bill for providers to enter into PRISMS the contact details for accepted students within 14 days of being notified of any changes has the potential to create a compliance and administration burden for providers.

Providers maintain their own enrolment databases or records and would not generally update address details on PRISMS as a matter of course. This is in accordance with the current requirements of the ESOS Act which requires providers to maintain their own up-to-date records for each student. There are two main issues ISCA can see with the proposed change;

1. A large increase in the administrative burden to providers in the manual data entry required to fulfil the proposed changes
2. The fact that providers will be entering large amounts of redundant information (i.e. every time a student moves) which may never be required by DIAC for compliance purposes.

### **Recommendations**

In the short term, providers should only be required to provide to DIAC via PRISMS current student contact details upon request from DIAC, or when the provider is aware the student has breached their visa conditions, e.g. the student is not meeting attendance or course progress requirements, or the course enrolment has been cancelled, e.g. for non-payment of fees. This way, providers would not be required to enter large amounts of potentially redundant information into PRISMS.

In the long term, ISCA strongly recommends that the Department of Industry, Innovation, Science, Research and Tertiary Education (DIISRTE) which has responsibility for PRISMS, investigate upgrading PRISMS to accept the automatic transfer of student data from provider databases.

Bill Daniels  
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Canberra  
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