



INDEPENDENT SCHOOLS  
COUNCIL OF AUSTRALIA

## The Joint Standing Committee on Migration Inquiry - Efficacy of current regulation of Australian migration agents Submission by The Independent Schools Council of Australia (ISCA)

### Introduction: About ISCA

ISCA is the national peak body representing the Independent schooling sector. It comprises the eight state and territory Associations of Independent Schools (AISs). Through these Associations, ISCA represents a sector with 1,123 schools and 604,436 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 disabilities 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. Independent Catholic schools are a significant part of the sector, accounting for eight per cent of the Independent sector's enrolments.

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 Lutheran systems. Systemic schools account for 18 per cent of schools in the Independent sector. However, four out of five schools in the sector are autonomous non-systemic schools.

### Overseas students in Independent schools

International education is Australia's third largest export industry. Total export income generated by all international education activity in 2016-17 was \$28.6 billion. School students are a small proportion of the total number of overseas students in Australia, accounting for just 4.4 per cent (\$1.2 billion) of the total export income from international education and 3.2 per cent of the total number of overseas students studying in Australia.

In 2017 total overseas student enrolments reached their highest point ever with 799,371 enrolments, growing by 12.7 per cent over 2016. School sector enrolments grew by 10.7 per cent over the same period to 25,762 enrolments although non-government sector enrolment growth over this period was 10.9 per cent.

Just over 7,500 overseas students, approximately 30 per cent of overseas school students in Australia, were enrolled in Independent schools in 2017. Non-government schools, i.e., Independent and Catholic schools, enrol just under 36 per cent of overseas students in the school sector.

In 2017 the majority of overseas students in Independent schools – 86 per cent – were in the secondary years, with senior secondary accounting for the majority of enrolments. The remaining 14 per cent were in primary schools.

The major source country for the non-government school sector is China, accounting for approximately 50 per cent of total enrolments in the sector in 2016. Together Hong-Kong, South Korea and Papua New Guinea account for a further 20 per cent of the total.

### The activities of migration agents and education agents

Most Independent schools will only interact with a migration agent when they are also acting as an education agent. There are significant requirements placed on providers of education services to overseas students in regard to education agents under Standard 4 of the 2018

National Code of Practice. Schools are responsible for the conduct of education agents they engage to work with them to recruit students.

In order to assist providers, the Australian Government Department of Education and Training has set up an education agent data project which enables providers to access performance data on the education agents they use. It assists providers to identify education agents, assess the performance of their agents and to identify those that may not be recruiting bona fide students or engaging in other types of 'unlawful' or unethical practices.

One possible way to assess patterns of 'unlawful' or unethical behaviours by migration / education agents could be to link the education agent activities of registered migration agents with registration practices and databases where possible. In the international education sector this would mean that in the Provider Registration and International Student Management System (PRISMS) it would be noted if an education agent is also a registered migration agent. However, this would need to be done in such a way that there would be no additional administrative burden placed on providers.

In order to ensure those acting as education agents understand their obligations, registered migration agents could be required to acknowledge the responsibilities of the National Code Standard 4 and the Agent Code of Ethics for Education Agents as part of their registration process.

Independent schools can also come into contact with migration agents if approached by an agent representing a family wishing to enrol a student applying for a temporary or permanent visa, or Australian citizenship. It is important in these cases for both schools and migration agents to have access to information on the Department's website that provides clear advice on study rights for dependants of visa holders and any visa conditions that may limit study rights.

### Other integrity concerns

ISCA understands the Joint Standing Committee on Migration also wishes to separately examine issues associated with the Electronic Travel Authority (subclass 601) visa. ISCA would like to comment that this is an important means of facilitating a great deal of inbound travel for younger students wishing to have an Australian experience as part of a school study tour, or an informal exchange or school visit that is organised under a sister school relationship.

ISCA would not support these activities being restricted in any way, as they are extremely valuable in internationalising Australia's school sectors. However, we suggest that more detailed data about the age and purpose of ETA visa holders may be useful in helping to mitigate risk for this visa subclass.

ISCA appreciates the opportunity to make a submission to this Inquiry and would be happy to provide any further information if required.

ISCA  
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