



**Independent  
Schools** Victoria

**Submission to the Victorian  
Department of Education and Training**

February 2017

Response to the *Review of the  
Education and Training Reform  
Regulations*

## **The Independent Schools Victoria Vision:**

'A strong Independent education sector demonstrating best practice, providing excellent outcomes for students and choice for families'.

To realise this, we:

- advocate for excellence in education
- champion Member Schools
- support quality education
- protect the right of parents to choose where and how their children are educated.

Independent Schools Victoria will assist our 220 diverse Member Schools to continue providing the best possible education outcomes for the citizens of tomorrow.

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# Introduction

Independent Schools Victoria (ISV) welcomes the invitation to respond to the review of the Education and Training Reform Regulations.

This submission is made on behalf of our Member Schools and, where appropriate, in light of the possible impact on the roles and responsibilities of ISV as a peak body and member service organisation.

The submission will only address those elements of the draft Regulations that directly impact on Victorian Independent schools:

- Part 5 – Registration of Schools
- Part 9 – Role of Authority in Investigating Complaints
- Part 10 – Transport and Travelling Allowances.

# Background

ISV was established in 1949 and today represents, promotes the interests of, and provides services to 220 Member Schools. In 2016, our Member Schools educated more than 142,000 school-aged students on more than 300 campuses across metropolitan Melbourne and in regional and rural Victoria, and employed more than 18,000 teachers and other staff to support these students. Many schools provide vocational education and training, as well as substantial services beyond school education, including long day care, out of school hours care, kindergarten programs and pre-Prep programs.

This submission is shaped by the educational, social and philosophical diversity of the Victorian Independent sector. Our membership reflects a variety of religious faiths and ethos with schools affiliated to Anglican, Assemblies of God, Baptist, Brethren, Catholic, Christian, Coptic Orthodox, Greek Orthodox, Jewish, Lutheran, Islamic, Pentecostal, Presbyterian, Seventh-day Adventist and Uniting churches. There are inter, multi and non-denominational schools, as well as schools for students with learning difficulties and individual needs and schools adhering to the Montessori and Steiner education philosophies.

# Submission

## Part 5: Registration of Schools

ISV welcomes the Department's view that the substance of the minimum standards for school registration is maintained. As previously noted by ISV, one of the strengths of the current Regulations is that they are broad enough to allow the Victorian Registration and Qualifications Authority (VRQA) the flexibility to assess different schools on their merits while still ensuring that the minimum standards are sufficiently rigorous.

ISV notes that there are proposals to strengthen and clarify the minimum standard in relation to school governance. These proposals include:

- Replacing the 'good character' test with a 'fit and proper person' test
- Introducing the concept of a 'responsible person' to identify all significant people who have influence over a school's operations and decisions
- Introducing a definition of 'proprietor' to make it unambiguous who is responsible for a school's governance
- Affirming the 'not-for-profit' status of a school proprietor so that schools and school proprietors must not be party to prohibited agreements or arrangements, including those between the school and the proprietor.

ISV considers these proposed changes to be reasonable and supports them.

## Part 9: Role of Authority in Investigating Complaints

ISV notes that the Department proposes to replace the current provisions for complaint investigation with the following changes:

- clarify the circumstances under which the VRQA does not need to be satisfied that the complaint was first raised with the subject of the complaint
- make it explicit that the VRQA may refuse to investigate a complaint that is better dealt with or has already been dealt with by another person, body, court or tribunal.

ISV considers these proposed changes to be reasonable and supports them.

## Part 10: Transport and Travelling Allowances

Under the 2007 Regulations, non-government school students are eligible for the Conveyance Allowance Program if they attend their nearest appropriate school appropriate to their year level. An 'appropriate' school is one that in 'accordance with the school's registration' is appropriate for the student. In practice, the school's religious denomination determines appropriateness for a particular student.

ISV's view has always been that this unfairly results in many students across Victoria being ineligible for an allowance. This is because a number of independent schools are registered with the VRQA as non-denominational or non-religious and are therefore categorised as the same type of school ('no religion') under the Department's policy. Most of these schools are very different from each other (e.g. their educational philosophy, demographic profile and so on) but for the purposes of these transport and travelling allowances, they are considered to be the most 'appropriate' for a student.

In the draft Regulations, the Department proposes to change the eligibility criteria for non-government school students from being prescribed in regulation, to being determined by the Minister.

ISV welcomes the possibility that this change could result in a fairer system that genuinely supports parents' rights to choose the type of school in which they enrol their children. However, we are also concerned that a Minister could tighten the eligibility criteria, resulting in more families not receiving conveyance allowance.

For example, a Minister could determine that the eligibility criteria simply include that "a student must live at least 4.8km from the independent school they attend, irrespective of the religious denomination of that school". This would be a positive outcome for families and independent schools.

However, a Minister could determine a different set of eligibility criteria that included "a student is only eligible to receive conveyance allowance if the school they attend is at least 4.8 km away and it is their closest non-government school". This would result in many additional families being ineligible to receive the conveyance allowance.

ISV welcomes the Department's proposal to remove from the Regulations the various clauses that refer to 'appropriate' school as being in 'accordance with the school's registration'. We are, however, uncomfortable with the newly proposed clause of 'the eligibility criteria for non-government school students...being determined by the Minister' because of the uncertainty that this may create for families and parents.