CATHOLIC EDUCATION COMMISSION, NEW SOUTH WALES

THREE HUNDRED AND SECOND MEETING
17 December 2008

SUMMARY REPORT

The 302nd meeting of the Catholic Education Commission, New South Wales was held on 17 December 2008 in the Taylor/Barlow Rooms, Polding Centre, Level 8, 133 Liverpool Street Sydney. The meeting was chaired by Dr. Kristin Johnston DD.

A Summary Report of the Commission meeting is provided below:

1. **Commission Public Policy Committee: Renewal of Terms of Reference**

   The Commission approved updated Terms of Reference for its Public Policy Committee. This Committee is one of the Commission’s core committees established under the authority of the CEC NSW Charter. This Committee provides advice to the Commission about advocacy for Catholic schools with governments and with the general community. In approving the Terms of Reference, the Commission agreed that it was imperative for Catholic advocacy to be continuous and not just at election times. The Commission also resolved to establish advocacy roles to complement the work of the Committee.

2. **Schools Assistance Act 2008; Implementation**

   The Commission considered the draft Funding Agreement provided by DEEWR for the 2009 to 2012 Quadrennium and gave authority to the Acting Executive Director to execute the contract when it is received in final form. Key issues arising from the agreement are that the Australian government requires the following as conditions of funding:

   - Increased transparency, including a Financial Health Statement process for each school;
   - Achievement of minimum education outcomes;
   - Transparent education reporting; and,
   - NSW Catholic schools system to work cooperatively with the NSW government with the objective of achieving National Education Agreement obligations.

   The detail of the KPIs to be achieved has not yet been clarified. However, a December 2008 ACER paper “Reporting and Comparing School Performances” provides some guidance as to the proposed Education reporting and Education outcomes, which will be required of all schools.
Indigenous Education funding is being embedded in the general recurrent funding from 2009, rather than treated as a targeted program. Details of VET funding for 2009 are yet to be provided since they are not included in the Schools Assistance Act 2008.

3. 2009 General Recurrent Grant Allocations to the Dioceses by CEC

The NSW/ACT Bishops at their June 2008 meeting approved a new funding formula for the distribution of general recurrent grants for the 2009 to 2012 Quadrennium. Since that time, the following information has come to hand:

- August 2008 school census data;
- SES scores for 2009 to 2012 as advised by DEEWR;
- Supplementation detail provided by DEEWR;
- New schools coming on stream in 2009;
- Level of indigenous funding being embedded in the GRG;
- Remoteness loadings as defined in the Schools Assistance Act 2008; and,
- Other administrative matters.

The Commission confirmed the CEC NSW GRG funding formula as advised to the NSW/ACT Bishops in June 2008. This formula will be used to allocate GRG funds to the Dioceses in 2009. However, given the matters listed above, the Commission will review its funding formula for 2010 to 2012.

4. NSW Government Mini Budget; Implementation Matters Arising

The Commission discussed the key issues for education in the Government’s Mini Budget.

The Commission will await details of the proposed changes to the School Student Transport Scheme before responding any further.

It is understood that an amount of approximately $2.9 million will be made available to the Commission in 2009 for “needy schools” as part of the redirection of the abolished Back to School allowance. The Commission decided that these funds would be distributed according to the Commission’s Special Education formula.

5. Prior to Schooling: CEC Working Party Advice

The Commission considered a progress report from its Prior to Schooling Working Party. The Working Party was established to advise the Commission on all aspects of Prior to School learning, including legal issues, resourcing and governance. The Commission gave feedback to the Working Party and requested a final report by early 2009.
The Commission also considered DOCS’ discussion paper concerning the Children Services Regulation 2004. The Commission’s response to the DOCS recommendations was cautious agreement with certain caveats as follows:

- agrees to the exclusion of OSHC and orientation to school programs from the regulation;
- supports reduction in the 0 - 2 year old staff - to-child ratio but on a phased basis;
- with regard to Excursion ratios, supports an assessment of risks followed by reference to the specified ratios as a minimum requirement;
- supports having one qualified teacher in each service but a phasing - in provision is required to deal with workforce shortages;
- supports similar licensing to the BOS "system" licensing process, which involves self certification; and,
- seeks a continuation of the current arrangement providing feedback to the Review of Children's Services Regulation 2004.

6. **NSW Board of Studies: HSC Reforms**

The Commission considered the program for planned changes to the HSC in 2010, noting that changes must commence in Term 4 of 2009. The Commission’s Education Policy Committee will develop implementation strategies for NSW Catholic high schools. This advice should become available from mid 2009.

The Commission also considered a confidential report on the 2008 HSC results, noting that the detailed CEC sponsored analyses will be made available to Catholic schools in late January 2009.

7. **Catholic Network Australia**

The Commission considered an update on the proposed Catholic network. It was noted that CNA has requested the Commission consider the possible development of a mechanism for the “cross subsidisation” of Diocesan costs.

8. **DOCS and the Wood Report**

Commissioners noted the *Report of the Special Commission of Inquiry into Child Protection Services in NSW: Executive Summary and Recommendations*. Commissioners also noted that it is recommended that there be two tiers of reporting and that there is likely to be an increase in legal obligations for Catholic schools as a consequence.
This occurs for a number of reasons:

- the reporting threshold is advised to be increased from harm to significant harm. This is the first decision to be made at the school;

- there is a second advised requirement to differentiate imminent and non imminent significant risks of harm. This would involve a subjective judgement, which in many circumstances could be difficult to determine;

- imminent significant risks of harm will be reported to and actioned by DOCS. However, non imminent significant risks of harm will need to be dealt with by local agencies. In the case of government schools, that will be DET. For Catholic schools, that “agency” is likely to be the Schools Office or Catholic Care.

The Commission is working towards preparing a multi-agency Catholic sector response to the Wood Inquiry by early March 2009.


Commissioners noted that the national curriculum framework is in place and discussed how CEC NSW can best interact with the National Curriculum Board. The NCB is evolving into the recently established Australian Curriculum, Assessment and Reporting Authority (ACARA). Commissioners also noted that already duplication of effort is emerging between the NSW Board of Studies and ACARA. While Commissioners welcomed ACARA with its expanded mandate, there is considerable risk that schools could face conflicting National and State curriculum obligations.

There is considerable work for the Education Policy Committee in engaging with both ACARA and the NSW BOS in curriculum development. Curriculum is not the only area of responsibility for the Committee and in the immediate future ACARA, in particular, will generate a heavy workload. In considering workload and curriculum coordination, Commissioners agreed that, in relation to curriculum development, the Education Policy Committee needs to be supported by a Catholic reference network.

The Education Policy Committee is framing the Commission’s responses to ACARA and to the NSW Board of Studies.

10. RTA Program Agreement for 2009 and 2010

The CEC NSW has executed its funding agreement with the RTA for the next two years. Funding will be maintained at the current level of $400,000 per annum. The CEC NSW also received a supplementary grant of $500,000 for 2008–09 but this amount has not been built into funding for future years.
11. **Employers Work Experience/ Placement Insurance for 2009**

At a meeting on 8 December 2008, CEC NSW asked insurance broker Marsh Pty Ltd to begin negotiations for employer liability cover for students in NSW and ACT Catholic schools undertaking work experience and work placement in 2009. Work placement and work experience figures remained stable in 2008 as did the number of incidents reported. No incident has resulted in a claim against employer liability insurance since a 2001 incident which led to court action, finalised in 2007. Marsh advises that while the insurance market has been affected by the global financial crisis, no severe change in the Australian market is expected, because of regulation introduced following the collapse of HIH and associated companies. The market appears to be stable at the bottom of its cycle. Neither big increases nor big reductions in premiums are expected.

The current insurance provider QBE maintains its position as a quality insurer. CEC NSW advised Marsh that they need not seek competitive quotes on this occasion, provided that QBE is prepared to renew insurance for similar costs to those of the 2008 policy. Instead, Marsh was asked to secure from QBE a price for two years cover rather than one, maintaining the same limit of liability (up to $20 million) and an excess of $5000. Marsh will report back to CEC NSW in January, to allow for finalisation of coverage by 31 January 2009.

12. **Institute of Teachers – Recognition of VET Teachers**

Currently, the NSW Institute of Teachers Act does not apply to VET teachers employed by TAFE or non-school RTOs. VET Teachers in schools, however, are subject to Institute requirements. This causes complications for non-government schools because teacher registration is a condition of Board of Studies school registration under the NSW Education Act’s section 47(d). A NSW Institute of Teachers Amendment Bill has now been finalised in Parliament but it does not address VET teacher recognition issues. As a consequence alternative strategies to address the VET teacher recognition issue are being developed utilising the Institute’s Regulation making power under Section 52(c) of the Institute’s Act.

13. **Launch of “Opening up the Treasure of Church Documents”**

On 10 December 2008, the Vice Chancellor of ACU National, Professor Greg Craven and the Executive Director of Church Resources, Fr Michael Kelly launched a website which provides access to Church documents: http://www.catholicaustralia.com.au/page.php?pg=churchdocs-index. The Church documents provided on the site will be translated and provided with commentaries written by scholars from ACU. It is planned to host up to 40 of the most significant documents in the next five years.
14. **Part Time enrolments and NSW Education Act Section 25 Delegations**

Under existing arrangements, students of compulsory school age, i.e. 6 to 15 years of age, such as students with disabilities, who are in transition programs to full-time school, need permission from the Minister to attend school part-time. A recent amendment to Section 25 of the Education Act provides a new process which will avoid the cumbersome procedure of seeking Ministerial permission. From 2009, permission may be able to be granted by Diocesan Directors, in the case of Diocesan schools, and by CEC NSW, in the case of Congregational schools, once necessary delegations are negotiated. CEC NSW will now seek to finalise these delegations.

15. **Students Who Pose a Risk Of Violence: Education Act Part 5A**

Since amendments to the Education Act in 2006, Guidelines have been under preparation to implement changes to the Education Act in relation to violent students who pose a risk to students and staff. A forum was convened by CEC on Wednesday 3 December 2008 with input from the Legal Services Directorate of DET. The guidelines are still in draft form but it is expected that they will come into effect in Term 1, 2009. Implementation advice for Dioceses and Congregational schools will be provided in February 2009.

16. **Legislative Council Inquiry Into Bullying of Children and Young People**

Ms Robyn Parker MLC, Chair of NSW Parliament’s General Purpose Standing Committee No. 2, has announced the commencement of an inquiry into best practice approaches to reduce bullying of children and young people. According to Ms Parker, the Inquiry was prompted by an anecdotal increase in bullying, especially bullying in schools, and the emergence of new threats such as cyber bullying. The Committee invites written submissions with a closing date of Friday 13 March 2009 and will hold public hearings after this date. The Commission will be developing a submission in early 2009 and it will be a topic for discussion at the February CEC meeting. CEC will seek advice from the Catholic Education and Social Welfare Committee.

17. **Copyright Rate Rise Sought by APRA/AMCOS**

The rates applying to copyright licences between APRA|AMCOS and the schools were last negotiated in 2002. APRA/AMCOS believe that the fees currently paid by schools for the various rights granted significantly undervalue those rights, and that accordingly the parties should renegotiate the agreements. Lawyers for APRA/AMCOS would like to commence discussions towards new licences in January 2009. It is their intention to give six months’ notice of termination of the agreements, effective 30 June 2009. As a consequence schools may anticipate a rise in music copyright costs from the second half of 2009.
18. **NAPLAN Update: 2008 Data and 2009 Costs**

The final 2008 NAPLAN report, including complete data per student background characteristic, were to be released by Ministers on 19th December 2008. It will be available on the MCEETYA website www.mceetya.edu.au. The 2009 NAPLAN test dates are Tuesday 12th, Wednesday 13th and Thursday 14th May. CEC is in the process of re-negotiating an agreement with NSW DET for provision of 2009 NAPLAN services to NSW Catholic schools. DET advises that the expected cost for 2009 NAPLAN will be in the range $40.00 - $41.50 per student. This includes all test delivery and reporting services including access to 2009 SMART (schools reporting package). NAPLAN costs are still required to be met from GRG funding, however the CEC NSW and NCEC continue to argue for the transfer of costs to the new Australian Curriculum, Assessment and Reporting Authority (ACARA) which will assume responsibility for all national testing from 2009. Please contact Rosalie Nott (rosalie.nott@cecnsw.catholic.edu.au) if you have any questions related to NAPLAN implementation.

19. **National Secondary School Computer Fund**

There have been a number of recent developments in this area. At the COAG meeting held 29 November 2008, the Government announced the allocation of an additional $807 million nationally for infrastructure to support the implementation of the NSSCF. While details are yet to be developed, the funding provided for computers will be supplemented by an extra $1,500 per additional computer to support infrastructure costs. An Appropriation Bill for the funding will go into the Parliament in 2009 and it is likely that the funding will not be released until near the end of the 2008-09 Financial Year. The extra funding encompasses infrastructure for the additional computers in Rounds 1 and 2 (ratio 2:1) and will anticipate additional computers in Round 3 and subsequent application rounds to achieve the target ratio of 1:1. The infrastructure payment will be a one-off block payment to the CBGA.

The CBGA issued a Memorandum on the infrastructure support to Congregational schools and Diocesan offices on 3 December 2008 following a teleconference with DEEWR on that same day. In the light of administrative changes surrounding infrastructure support, the Government has delayed Round 2 approvals until February 2009; approvals had been anticipated at the beginning of December 2008. There is also to be a Round 2.1 inviting applications from those schools that in Rounds 1 and 2 did not request their full complement of computers or which had not applied for any of the computers for which they were eligible. There are eight Catholic schools in this category; the Minister and DEEWR have written direct to the schools concerned. Applications opened on 10 December and close 11 February 2009.
20. **Trade Training Centres**

As advised to the 19 November 2008 Commission meeting, there were seven applications from Catholic schools in Round One (Phase Two) with another two applications involving Catholic schools – refer to CEC Paper 301/6.4/1. In a meeting chaired by DEEWR on 28 November 2008, each of the three education sectors had opportunity to comment on all applications from across NSW. Following prior discussion/negotiation between CEC NSW and DET, the Catholic sector applications went forward from the DEEWR meeting without adverse comment from the DET. The applications also received a separate positive viability assessment from the CBGA. The Minister’s decisions are anticipated in February 2009.

Expressions of Interest for Round 2 closed on 12 December 2008. As at 16 December 2008, DEEWR is yet to advise the CBGA of the Catholic sector EOIs. The CBGA is proceeding with plans for the application of support costs for TTC implementation and the preparation of a Ten Year Development Plan. On 15 December 2008, the CBGA signed the TTC Master Agreement which enables the release of the first TTC funding to the CBGA. Successful TTCs sign a separate Project Agreement with the Commonwealth which outlines conditions of agreement with the CBGA and DEEWR. Funding is released to projects from the CBGA as milestone conditions are met.

21. **HSC 2008 – Catholic Students Placed First or Equal first in Course**

The following students from Catholic Schools were placed First or Equal First in this year’s 2008 HSC. These students were given Awards on 16 December 2008 by the Minister for Education and Training:

<table>
<thead>
<tr>
<th>Course</th>
<th>Family name</th>
<th>First name/s</th>
<th>School Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Examination</td>
<td>Brogan</td>
<td>Mark James</td>
<td>St Patrick's Marist College</td>
</tr>
<tr>
<td>Drama</td>
<td>McKinnon</td>
<td>Amelia Lily Verity</td>
<td>Kincoppal - Rose Bay School of the Sacred Heart</td>
</tr>
<tr>
<td>English Extension 2</td>
<td>Sacca</td>
<td>Adam</td>
<td>St Mary's Cathedral College</td>
</tr>
<tr>
<td>Food Technology</td>
<td>Keating</td>
<td>Erin</td>
<td>Mount St Benedict College</td>
</tr>
<tr>
<td>History Extension</td>
<td>Stephens</td>
<td>Jessie</td>
<td>Marist Sister's College Woolich</td>
</tr>
<tr>
<td>Italian Beginners</td>
<td>Calgaro</td>
<td>Christina</td>
<td>Santa Sabina College</td>
</tr>
<tr>
<td>Japanese Extension</td>
<td>Oh</td>
<td>Maria</td>
<td>Santa Sabina College</td>
</tr>
<tr>
<td>Mathematics</td>
<td>French</td>
<td>Scott</td>
<td>Parramatta Marist High School</td>
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<tr>
<td>Mathematics</td>
<td>Lyoo</td>
<td>Nama</td>
<td>St Pius X College</td>
</tr>
<tr>
<td>Metal and Engineering Examination</td>
<td>Dearing</td>
<td>Andrew James</td>
<td>Patrician Brothers’ College Fairfield</td>
</tr>
<tr>
<td>Music 1</td>
<td>Lyons</td>
<td>Edward Patrick</td>
<td>St Patrick's College, Strathfield</td>
</tr>
<tr>
<td>Portuguese Continuers</td>
<td>dos Santos</td>
<td>Diana</td>
<td>Our Lady of the Sacred Heart College</td>
</tr>
<tr>
<td>Studies of Religion II</td>
<td>Ofer</td>
<td>Dominic Francis</td>
<td>St Patrick's College, Strathfield</td>
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John Kitney  
**Secretary to the Commission**  
23 December 2008