THREE HUNDRED AND TWENTY FIFTH MEETING
20 April 2011

SUMMARY REPORT

The 325th meeting of the Catholic Education Commission, New South Wales was held on the 20th of April 2011 in the Clancy/Gilroy Rooms of the Polding Centre. The meeting was chaired by Bishop Anthony Fisher op.

A Summary Report of the Commission meeting is provided below:

1. **2010 Quinquennial Review of CEC**

   Bishop David Walker DD tabled the Review Report and requested the Commission to make recommendations to the NSW/ACT Bishops. Regular five yearly reviews are required under the CEC Charter. This Quinquennial review had been carried out in the second half of 2010 under the direction of Bishop David Walker. It was undertaken by Dr. Maureen Cleary, independent consultant and Mike Byrne Executive Director of the Queensland CEC.

   The Commission considered the review and its recommendations and thanked the reviewers for their work. The review recommendations were wide ranging and the Commission decided to appointment a Working Party comprising Dr Brian Croke CEC Executive Director and Commissioners Dr. Berenice Kerr rsm and Gregory B Whitby to progress implementation of the recommendations arising. The Working Party’s remit is to consider the review recommendations in detail and to provide advice to the Commission which in turn will make recommendations to the NSW/ACT Bishops.

2. **Low SES National Partnership**

   Just prior to the 26 March 2011 NSW State Election, CEC was advised that an additional $3,011,291 in State funds would be made available to support an expansion of the low SES National Partnership. This funding will be made available from July 2011. This represents additional funding to that provided by the Australian government. The purpose of this funding is to widen the scope of the Program and thereby allow additional needy schools to participate.

   The Commission allocated the available funds across the NSW Catholic Schools Authorities. Diocesan Directors were requested to identify eligible schools and advise the CEC by the end of April 2011. After that time, the CEC will advise the NSW State Government as to how the new funds are to be allocated and finalise contractual arrangements.
3. CEC Emergency Notification System

The Commission had received a presentation of the proposed Notification system at its meeting on 23 March 2011. At that meeting, Commissioners had requested options on how this system might best be implemented across NSW.

As background, the CEC is the portal for the notification of ‘catastrophic notices’ from the State Emergency Operations Centre to Diocesan Catholic Schools Authorities which then have the responsibility to communicate with their schools.

Commissioners considered these options and requested the CEC Secretariat to undertake consultation with emergency contacts in each of the Dioceses. An implementation forum is to be arranged. In addition, CEC is seeking formal legal advice as to the possible liability issues arising for the owners of Catholic schools.

4. Disability Discrimination Act (DDA) Standards for Education

The DDA Standards for Education Regulation came into force in 2005. Education Providers have been implementing these standards. This year DEEWR is undertaking a review of the Standards in conjunction with Education Providers across Australia.

Commissioners noted that feedback from NSW Catholic schools is generally affirmative of the DDA Standards for Education. Commissioners confirmed four concepts which require clarification during the review process, namely:

- “on the same basis as”;
- “reasonable (and unreasonable) adjustments”;
- “unjustifiable hardship”; and,
- “best interests of the child.”

Commissioners considered that greater certainty would assist educational providers, students, parents and carers. There is a need to give educational providers the ability to meet their obligations under the DDA Standards through the provision of alternative services. Flexibility is most important. There needs to be additional funding for the implementation of DDA Standards, particularly if any amended Standards are not flexible at the individual school level. The particular needs and capacities of systems of schools also need to be better addressed.

Commissioners considered a draft advisory letter to be forwarded to the DEEWR Review Team. Following discussion, the Executive Director was authorised to forward the advisory letter to DEEWR.

The next stage of the Review is the development of a Regulation Impact Statement which will involve a further consultation process before any new regulation is finalised. The finalised DDA regulation is unlikely to be issued before the end of 2011.
5. **NSW Ombudsman Code of Conduct for Teachers in Non Government schools**

The NSW Ombudsman’s Office recently contacted CEC requesting CEC participation in discussions for the purpose of developing a Common Code of Conduct for teachers working in all NSW Non-Government schools.

The Ombudsman is aware that Non Government schools do have individual Codes of Conduct regulating how teachers relate to students. However, there is no common Code of Conduct in place across non government schools. This matter has become an area of concern for the Ombudsman because of a recent case in a Non Catholic independent school where the school’s Code of Conduct did not fully correspond with general community values.

The Ombudsman does not have authority to regulate for a common Code of Conduct. However, the Ombudsman’s remit involves reporting areas of concern to the NSW Parliament.

Commissioners discussed the possible development of a common Code of Conduct for Teachers in NSW Non Government schools. Commissioners noted that Codes are very important as part of the suite of measures for the protection of children.

The Commission noted that CEC Officers will be attending a meeting at the NSW Ombudsman’s Office on 20 April 2011 and requested the Executive Director to ensure that Commissioners’ views were presented at that meeting. The Education Policy Committee was requested to monitor any development of a common Code of conduct and was asked to keep the Commission apprised of developments. The Commission requested the Executive Director to involve CCER in all Teacher Code of Conduct discussions.

6. **2011 CEC/CCRESS Forum**

Commissioners reviewed the proposed agenda for the CEC/CCRESS Forum to be held on 5 May 2011 and meeting arrangements. Commissioners expressed confidence that the forum will deliver informed outcomes that will drive improvements in the delivery of religious education in both Catholic and Government schools.

The Commission requested organisers to ensure that the Forum considers relevant matters about religious education and Catholic identity as raised in the 2010 Quinquennial Review of the CEC. The commission also requested the Education Policy Committee to consider Forum outcomes and develop a Report for consideration by the Commission prior to its presentation to the NSW/ACT Bishops in November 2011.

7. **Overseas Students CRICOS Registrations**

CEC has been the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) registered provider for most NSW Catholic schools since the Full Fee Paying Overseas Students (FFPOS) Program began some years ago.

DEEWR has recently tightened compliance requirements for the Program with the result that only Education Providers can be CRICOS registered providers. New accreditation arrangements for NSW schools are being phased in between September and December 2011. This means that Diocesan Catholic Schools Authorities and individual Congregational schools that wish to provide education services to full fee paying overseas students must obtain CRICOS registration and pay both the Commonwealth and State fees. Responsibility in NSW for supervising CRICOS registration has been transferred from VETAB to NSW BOS. BOS is embedding CRICOS requirements into its school registration processes.
Commissioners invited David Murphy NSW BOS Director Regulatory and Management Services to the meeting. David outlined to Commissioners changed State Government organisational responsibilities for education providers which the BOS commenced phasing in from 1 October 2010.

The Commission thanked David Murphy for his explanation of CRICOS registration requirements and constraints. The commission asked the Executive Director to advise final CRICOS administrative arrangements at the 22 June 2011 Commission meeting. Meanwhile CEC has obtained agreement from BOS that CEC will continue to act as the CRICOS registered provider until 31 December 2011.

8. New NSW Government: Transitional issues

On 3 April 2011, the newly elected Premier Barry O’Farrell issued the Public Sector Employment and Management (Departments) Order 2011. Under this order an extensive restructuring of the NSW Public Service is being carried out including changes to the Education portfolio (see Attachment 1). The new government has included in its Contract with NSW a Five Point Action Plan including Return Quality Services. Among the services listed is a Schools’ Plan, separately announced as the Literacy and Numeracy Action Plan.

Commissioners noted the new ministerial and departmental arrangements in New South Wales with the election of the O’Farrell Coalition Government. They welcomed the transfer of early childhood education responsibilities from Community Services to the Education portfolio. Commissioners noted that the NSW Premier supports the development of the Australian curriculum. Commissioners discussed the Literacy and Numeracy policy of the new State Government and requested clarification of how this expansion of “Reading Recovery” will be undertaken.

The Commission noted that the process for allocating National Partnership Reward funding has not been clarified by the new State Government and requested the Executive Director to monitor developments and advise the Commission as required.

9. NSW Education Act Attendance Delegations

As foreshadowed at the 9 February Commission meeting, a set of Education Act Delegations on School Attendance have now been finalised. The Ministerial Cross Sectoral Attendance Working Party continues to meet and as a consequence school attendance issues for clarification or further action can be referred to it.

CEC will hold an Attendance Issues Forum on 6 June 2011 for Diocesan Staff with a Forum for Congregational Schools to be held on 23 June 2011.

Commissioners noted that School Attendance requirements and delegations are now clearer. It was also noted that Diocesan Catholic Schools Authorities and Congregational schools could be held liable for negligence if the new delegations are not implemented with reasonable care.

The Commission requested the Executive Director to issue advice to Diocesan Catholic Schools Authorities and Congregational schools about the new education compliance requirements arising from the delegations, including a notice on the CEC public website with a hotlink to the appropriate NSW government web site. The Commission also requested the Education Policy Committee to provide advice on implementation issues following the CEC Attendance Issues Forums.
10. National Partnerships: Amended Funding Agreement

The Commission endorsed the revised National Partnerships Funding Agreement as signed by Education Minister Firth on 3 March 2011.

11. General Recurrent Grant Funding and Student Visa Categories

At their 16 November 2010 meeting, Commissioners considered the growing number of students attending Catholic schools who hold a visa entitling them to residency but not to funding support for their schooling. Since then the CEC Secretariat has been working with both National Catholic Education Commission (NCEC) and Independent Schools Council of Australia (ISCA) to agree a joint non-government schools approach to Commonwealth authorities on the matter of visa categories and the eligibility of overseas students resident in Australia for government grants in support of their schooling.

Commissioners noted that currently some 108 students are enrolled in NSW Catholic schools with visa conditions which make them ineligible for GRG funding. Correspondence has been finalised for communication to the Australian Government.

The Commission authorised the Executive Director in consultation with NCEC and ISCA to forward Visa Conditions and School Funding correspondence to DEEWR.

12. Australian Network of Research Approval officers

Approving the use of Catholic schools and students by researchers is an increasingly complex, at times contentious, issue. It can involve both ethical and logistic considerations. CEC has been invited to participate in a meeting (30 May 2011) to explore the feasibility of a network of Research Approval Officers. Ian Baker Director of Education Policy and Programs will attend for CEC. Issues to be addressed by the proposed network would be:

- Discussion of similarities and differences between jurisdictions in relation to approvals processes;
- Ethical issues in Working with Children;
- Approaches to research prioritisation; and,
- Methods for effective dissemination of research findings.
13. **New Minister for Education and Communities**

Following the restructure of the former Department of Education and Training, the minister of new Department of Education and Communities (DEC) is Adrian Piccoli, MP for Murrumbidgee and Deputy Leader of the NSW Nationals.

Commissioners noted that Adrian was first elected in 1999. He finished his secondary schooling at St Gregory’s College, Campbelltown before studying Law and Economics at the A.N.U. in Canberra. In Opposition, he was the Shadow Minister for Education, Skills and Youth Affairs.

14. **NCEC Submission to the Federal Funding Review**

Commissioners considered the NCEC Submission to the Gonski review of School Funding, the major submission on behalf of Catholic schools. Commissioners noted that over the last year, NCEC has been developing policy positions and research in response to the Review of School Funding chaired by David Gonski. Substantial contributions have been made by staff in state and territory Catholic Education Commissions including CEC (Bill Walsh and Crichton Smith in particular). A key focus has been on the equity and quality of Australian Catholic schools and on the benefits to nation of maintaining block funding for Catholic systems.

John Kitney  
**Secretary to the Commission**  
13 May 2011
Catholic Block Grant Authority NSW (CBGA) Briefing to the Commission

The Commission noted the briefing from the CBGA:

**CAPITAL GRANTS PROGRAM**

At the 23 March 2011 Commission meeting, the CBGA Executive Officer indicated that the Schools Assistance Bill had been put before the Parliament for extension of the Capital Grants Program into 2013 and 2014.

The Bill has now been passed and is awaiting Royal Assent. Once Royal Assent has been given the five withheld projects will be submitted for Ministerial approval.

A paper outlining the method used by DEEWR in calculating supplementation has been received from the NCEC and is being reviewed by the CBGAs.

**BER PROGRAM**

Commissioners noted that the status of the 723 projects as at 20 April 2011 includes:

- 62 at full acquitted status (59 at 22 March);
- 497 at completed status (414 at 22 March); and,
- 152 under construction (233 at 22 March).

**DIGITAL EDUCATION REVOLUTION**

Computer purchases under funding rounds 1, 2 and 2.1 are at 100% with $24.5 million paid out by the CBGA YTD.

In the movement to 1:1 computer purchases, 70% of the $37.1 million has been expended to date with 25,000 computers installed.

$60.1 million in infrastructure costs have been fully allocated in advance to Diocesan Catholic Schools Authorities.

John Kitney

**Secretary to the Commission**

13 May 2011