THREE HUNDRED AND TWENTY SIXTH MEETING
18 May 2011

SUMMARY REPORT

The 326th meeting of the Catholic Education Commission, New South Wales was held on 18 May 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. Police and Schools Information Exchange MOU

At their 23 March 2011 meeting, Commissioners considered a paper on “New DET Suspension and Expulsion Procedures and Reporting School Incidents to Police: Issues for Catholic Schools”. This paper included advice on revising and renewing the “Joint Schools and NSW Police Force MOU for the Exchange of Information”. The first joint NSW Schools and Police MOU for the exchange of information was agreed in June 2003. Following the March 2011 meeting, further editing of the proposed revised MOU took place in consultation with the NSW Department of Education and Communities (DEC) and the Association of Independent Schools NSW (AIS).

Commissioners noted that the revised 2011 MOU:

(i) Is more focused and concise;
(ii) is based on the existing legal obligations of both NSW Schools and the NSW Police Force;
(iii) incorporates direct reference to Part 5A of the Education Act;
(iv) incorporates direct reference to Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998;
(v) section 9 provides for annual meetings between Police Local Area Commanders and School Principals. These meetings will establish both local relationships and local procedures for information exchange;
(vi) section 10 covers “Dispute Resolution” procedures; and,
(vii) expresses a convergence of intent between the parties involved.

The Commission endorsed the MOU renewing the Police and Schools information exchange and authorised the Executive Director to sign the MOU on behalf of NSW Catholic schools. The commission also requested the Executive Director to communicate the MOU to both Diocesan Directors and Principals of Congregational Schools.
2. **Education Policy Committee: Casual Vacancy**

At its 20 April 2011 meeting, the Commission was advised of the resignation of Bronwyn Hession as a member of the Education Policy Committee. Bronwyn resigned her position at the Broken Bay Catholic Schools Office and as a member of the CEC Education Policy Committee.

Nominations were called from Diocesan Catholic Schools Authorities, Conference of Leaders of Religious Institutes, Association of Catholic School Principals NSW and Council of Catholic School Principals NSW.

Commissioners considered the resumés of the three candidates nominated to fill the casual vacancy, in conjunction with the selection criteria:

- the breadth and depth of skills and experience required of the Education Policy Committee;
- experience of existing members of the Committee; and
- complementary skill sets being offered by nominees.

Following some discussion and a secret ballot, Lee MacMaster, Director of Teaching and Learning at St Joseph’s College Hunters Hill was appointed to fill the vacancy for the period to 31 December 2012.

3. **Reporting Risk of Significant Harm to NSW Department of Families and Community Services**

Since early 2009, CEC has assisted NSW Catholic Schools Authorities with the implementation of the “Keep Them Safe” Child Protection reform agenda.

Just before this meeting, the Director of the NSW Child Protection Helpline wrote to CEC requesting the Catholic sector to “consider adopting the eReporting referral pathway option to report non-imminent risk of significant harm to the Child Protection Helpline”.

Helpline staff recently provided Catholic Education and Social Welfare Co-ordinating Committee with a comprehensive briefing on Internet based reporting to FACS. Commissioners considered this briefing and then discussed existing Helpline telephone reporting of risk of significant harm. It was agreed that the existing Helpline phone service is highly valued by schools and needs to be maintained.

It was noted that Internet based reporting will be optional and will not replace the Helpline phone services. Adoption of internet based reporting will be on voluntary basis and will be in addition to continuing school Principal access to Helpline. One benefit of internet reporting is that Principals can print a record of each report.

Commissioners then discussed record keeping, record ownership and record access issues. Existing requirements relating to record management and Privacy will not change. NSW Catholic schools will participate in the voluntary roll-out of Internet based reporting to the NSW Department of Family and Community Services.

The Commission agreed to support the voluntary roll-out of Internet based reporting noting the continuation of the Helpline phone service and requested the Catholic Education and Social Welfare Co-ordinating Committee and the Diocesan Directors Catholic Systemic Schools Child Protection Practitioners Group to oversight the roll-out process.
4. **CEC/CCRESS Collaboration Forum 4 May 2011**

Commissioners noted that there were 148 participants at the CEC/CCRESS Forum representing the eleven NSW dioceses. Bishops Power and Walker were present as well as several Commissioners. Delegates also included Directors of Education and the Confraternity of Christian Doctrine, Heads of Religious Education, parish and school coordinators of religious education, teachers, parents and Parish Priests.

Commissioners at the Forum reported positive responses by participants and indicated that discussions were candid and constructive with individuals committed to increased cooperation at the diocese level. Commissioners also considered Forum presentation materials.

The Commission noted the preliminary report of the 2011 CEC/CCRESS Forum and requested the Education Policy Committee to oversee the development of a Draft Forum Report and submit the Final Report to the 31 August 2011 Commission meeting for approval. The Final Forum Report will be submitted to the November 2011 meeting of the NSW/ACT Bishops.

5. **Preventing Bullying: Advice for Schools**

During 2009 and 2010, CEC participated in the NSW Legislative Council Inquiry into “Bullying of Children and Young People”, providing a written submission in April 2009. Commissioners also considered Bullying issues at the 24 March 2010 meeting in the context of the death of a student at St Patrick’s College, Shorncliffe QLD.

Most recently at its 20 April 2011 meeting, the Commission was advised of the 13 April 2011 NSW Supreme Court decision in the St Patrick’s College Campbelltown case, “Oyston v St Patrick’s College 2011 NSWSC 269”.

Commissioners discussed advice on bullying response issues, including a paper summarising the critical outcomes of cross sectoral (CEC, NSW Department of Education and Communities, Association of Independent Schools NSW, NSW Board of Studies and Children’s Commission) policy development in response to the recent Legislative Council Inquiry into Bullying of Children and Young People.

The implications of the recent Supreme Court “Oyston” case for the development of Diocesan and school based anti-bullying policies and procedures were highlighted during the discussion.

Commissioners agreed that bullying response policies and procedures need to be reviewed at every level of Catholic schooling. It was noted that a range of Diocesan and school-based review processes are underway. In this context the point was made that, given the pastoral and legal imperatives driving this policy area, a coordinated response assisted by CEC is both desirable and required.

It was noted that Board of Studies registration requirements for non-government schools are likely to be amended to require every school to have, in addition to a discipline policy, an explicit policy or plan dealing with the prevention of bullying.

The Commission requested the Executive Director to form a CEC working party for the purpose of developing both an anti-bullying policy template and a set of model anti-bullying procedures to guide Diocesan and school-based policies and responses. The commission also requested that the Working Party to liaise with the Education Policy Committee. It is proposed that advice arising from the Working Party once approved by the Commission will be launched through a CEC Forum.
6. Commonwealth Government 2011/12 Budget: Implications for Schools

The Budget announced a number of new initiatives and funding increases, the key ones being:

- an expansion of the National School Chaplaincy and Pastoral Care Program (note expansion of title);
- the allocation of $425 million for a National Rewards for Great Teacher Program;
- a $200 million additional national allocation for Students with a Disability;
- establishment funding for an Australian Baccalaureate; and,
- continuing support for the Australian Early Development Index.

Commissioners discussed the budget initiatives for schools with particular emphasis on:

- additional disability funding; and,
- rewards for teachers.

In relation to Disability funding, the following points were noted:

- the additional funding averages $620 per SWD for both 2012 and 2013 program years;
- funding is likely to be allocated on a “project” basis;
- allocations to States are determined on a total enrolment basis, but allocations to jurisdictions within States are likely to be determined on % shares of SWD enrolments; and,
- the CEC has commenced discussions with the NSW Department of Education and Communities on a possible funding process.

In relation to Teacher reward funding, the point was made that this was an “orphan” policy which lacks support across key stakeholders. With respect to all the new initiatives, there is a need for further details regarding funding criteria and guidelines. Some information had been released on the future of the Trade Training Centres and reductions in funding for Digital Education Revolution Program initiatives.

The Commission requested that further implementation advice be sought from the Commonwealth Department of Education and Employment Workplace Relations.

7. 2010 Quinquennial Review of CEC: Advice for NSW/ACT Bishops

The report of the 2010 Review of CEC, conducted by Maureen Cleary (Governance and Management, Pty Ltd) and Mike Byrne (Executive Director CEC, Queensland) under the guidance of Bishop David Walker, was tabled at the 20 April 2011 Commission meeting. In releasing the Draft Report to the Commission, Bishop David requested that the Report be considered by the Commission at its 20 April and 18 May 2011 meetings.

At its 22 April 2011 meeting, the Commission established a Working Party whose task is the review the recommendations for the purpose of framing a Commission response and timetable. The first step is to provide initial advice to the 9 June 2011 meeting of the NSW/ACT Bishops.

Discussion focused on the proposed grouping of the Review Recommendations into three categories. Commissioners considered this advice and then proceeded to regroup the recommendations.
Having undertaken this categorisation process, Commissioners agreed to the allocation of the Recommendations to three categories:

- Those that can be accepted now and which require little or no specific action now;
- Those that can be accepted now but require an implementation strategy; and,
- Those which require much more deliberation / research / discussion before finalising a position to accept or reject them.

Bishops Anthony Fisher OP and David Walker agreed that the Commission Working Party can seek any clarification from the Review Team as to the reasoning underpinning any recommendation.

The Commission requested the Executive Director to include a progress report on the Commission’s deliberations to the 9 June 2011 meeting of the NSW/ACT Bishops. Commissioners also requested the Working Party to consider all recommendations and to formulate a timetable and strategy for processing them.

8. *Catholic Schools at a Crossroads: Implementation Report*

The pastoral letter of the Bishops of NSW and the ACT, *Catholic Schools at a Crossroads* (2007), has at its heart an invitation to ‘educational leaders and staff, clergy and religious, parents and parish communities’ to *dedicate themselves to ensuring that our schools:*

- are truly Catholic in their identity and life
- are centres of ‘the new evangelisation’
- enable our students to achieve high levels of ‘Catholic religious literacy
- are led and staffed by people who will contribute to these goals

During 2010, Diocesan school systems and some Congregational schools were invited to respond to a survey for the purposes of providing feedback as to the manner in which the four *Crossroads* goals are being implemented. The results of the Survey process have now been consolidated into a report for the NSW/ACT Bishops.

The Report, as endorsed by Commissioners, documents a high level of engagement amongst Diocesan and school personnel with the four Crossroads goals. In addition, the Report identifies certain barriers to the achievement of the *Crossroads* goals and, where possible, strategies to overcome these challenges.

The CEC Crossroads Report will be submitted to the November 2011 meeting of the NSW/ACT Bishops.

9. *Australian Charities and Not for Profit Commission*

The 2011/12 Federal Budget, handed down on 10 May 2011, has proposed a number of major reforms for charities and not-for-profits in Australia, which may impact on schools to varying degrees. The Government has announced the establishment of the Australian Charities and Not-for-Profits Commission (ACNC) as a one-stop shop for all not-for-profit organisations for the purposes of being recognised as a charitable or public benevolent institution, for accessing not-for-profit benefits, and for reporting in relation to the operations of these organisations. It is likely that a regulator will be appointed.

The ACNC is proposed to commence operations from 1 July 2012. At this stage it is unclear precisely what the implications for schools will be but National Catholic Education Commission is continuing to monitor the situation.
10. **High Court: Chaplaincy Case**

This High Court challenge to the Chaplaincy Program as a Commonwealth funded support for religion has been in process for some time and NCEC has been tracking its progress. At a hearing in 9 May 2011 before Justice Gummow, the arguments of the plaintiff were outlined. They are that there was no proper appropriation of the funds for the Chaplaincy program under Section 54 of the Constitution, that the funding agreement between Scripture Union Queensland and the Commonwealth is invalid because of lack of contractual capacity. It is also argued that the test for who is eligible to be a school chaplain imposes a religious test upon an office or a public trust under the Commonwealth contrary to Section 116 of the Constitution. The next hearing is set down for 9-11 August 2011 and NCEC will continue to monitor the progress of the matter.

11. **Commonwealth Schools Funding Review**

The NCEC Submission to the Gonski Review has been widely circulated and favourably received. The submissions to the review are being progressively posted on the DEEWR Review website and members of the Panel are visiting designated schools, most recently in North Queensland (Cairns diocese). Occasional media stories are devoted to individual submissions and there have been some opinion pieces on related topics, including one by Dr Brian Croke (*Australian*, 29 April) on why funding maintenance is an integral and essential part of the current model. The next major step will be an Issues Paper from the panel in August, based on Commissioner research projects. The final report is expected around late November/early December 2011 and the Government’s response to the Report is due by end-March 2012. The NCEC is currently finalising a public relations strategy to support its submission.

12. **Annual DEEWR Financial Questionnaire**

There has been a significant overhaul of the annual DEEWR Financial Questionnaire (FQ) and Instructions for the 2010 school financial year. The FQ has moved from being primarily an ‘accountability’ requirement to a reporting instrument for the ACARA *MySchool*. This is an inevitable transition following the release of financial data on *MySchool* 2.0 in March 2011. The intention is that the FQ becomes the sole non-government school information source for *MySchool*. As part of this process, Diocesan Catholic Schools Authorities’ income and expenditure will now be allocated to individual schools.

The CEC FQ Working Party has resolved a number of conceptual and practical issues and developed consistent reporting standards for NSW systemic Catholic schools. A workshop, attended by all Diocesan Catholic Schools Authorities was held on 3 May 2011 to ensure consistency and commonality in FQ reporting from this year. School and System Financial Questionnaires must be completed by 30 June 2011 to allow DEEWR and ACARA sufficient time to resolve outstanding issues and prepare the data for reporting on *MySchool* later this year.

Commissioners agreed that reforming the Financial Questionnaire process is necessary to improve the annual *My School* upload of financial data for every school. This change will result in one source of financial data and improve timeliness.
Catholic Block Grant Authority NSW (CBGA) Briefing to the Commission

The Commission noted the briefing from the CBGA:

**CAPITAL GRANTS PROGRAM**

The application round closed on 27 April 2011. The CBGA received 23 applications: 5 for new schools or further stages of new schools; 18 for upgradings.

The CBGA is currently assessing the applications and finalising documentation prior to the first meeting of the State Priority Committee scheduled for 1-3 June 2011.

**BER PROGRAM**

P21 Program

Commissioners noted that the status of current projects as follows (previously reported figures from the April CEC meeting are bracketed):

- 74 (62) at full acquittal status
- 493 (484) at completed status
- 145 (165) under construction

Expenditure claims on BER projects is at 83%.

**Science and Language Centres**

The Budget included a saving to Government of $102.8 million over four years in the implementation of the Trade Training Centres Program. This means a revised rollout of the program with reductions in the number of schools that will be supported in application rounds 4-6.

**DIGITAL EDUCATION REVOLUTION**

The Budget announced a $132.5 million reduction nationally in the program. Funding to bring secondary schools to a 1:1 ratio for years 9-12 students by the end of 2011 is not affected. Detail on the effects of the reduction in future years is yet to be advised.

**NATIONAL SOLAR SCHOOLS PROGRAM**

The program is being terminated in June 2013, two years earlier than originally proposed. Funding is available for two further application rounds with grants of up to $50,000 for successful schools.

John Kitney
Secretary to the Commission
3 June 2011