THREE HUNDRED AND THIRTY EIGHTH MEETING

18 July 2012

SUMMARY REPORT

The 338th meeting of the Catholic Education Commission, New South Wales was held on 18 July 2012 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. **Aboriginal Education Focus Schools**

   At their 23 May 2012 meeting, Commissioners approved the participation of 23 NSW Catholic schools in the Australian Government’s *Investing in Focus Schools National Partnership*. Commissioners also agreed to consider a funding proposal at the 18 July 2012 Commission meeting. Two additional schools have now been included bringing the total to 25 NSW Catholic schools.

   Commissioners noted that there is a funding overlap with a number of other Government programs, especially other National Partnerships.

   Commissioners agreed that the three focus schools which have no access to other sources of special funding will be allocated the amount recommended by the Commonwealth ($200,000). The remaining funds ($800,000) will be apportioned across the 25 focus schools ($32,000 per school) and allocated to the nine diocesan offices with focus schools. Each Diocese will then determine which focus schools will be funded and the quantum to be allocated to each school.

2. **CEC WorkPlan**

   The Commission develops an Annual WorkPlan for the forthcoming year that is recommended for approval at the November meeting of the NSW Bishops. It is both a strategic and tactical document that outlines priorities for both the Commission and CEC Secretariat.

   Commissioners expressed satisfaction with the progress of both the Commission and CEC Secretariat in working through the issues and key tasks expressed in the 2012 CEC WorkPlan.

   Commissioners noted that CEC Directors and Assistant Directors will meet on 10 August 2012 to commence planning for the 2013 CEC WorkPlan. Commissioners will discuss the identification of their strategic agenda for 2013 at the 23 August 2013 Commission meeting. The 2013 CEC budget is also being prepared during this time. All of these activities will drive the form and priorities that will constitute the 2013 CEC WorkPlan.
3. CEC Special Education Project

One of the most significant issues being addressed by the Gonski Report is the development of a new loading for Students with Disabilities (SWDs) as part of a future Recurrent grants model. Some time ago, CEC commenced a project to develop an Individual Assessment and Planning process for SWDs.

The CEC Steering Group has been monitoring and aligning with the two key National SWD developments:

(i) Collection of Nationally Consistent Data on Students with Disability; and
(ii) Gonski implementation and the Deloitte Access Economics development of a loadings model for students with disability in schools.

Commissioners noted that the CEC project is consistent and compatible with the work and outcomes of both the Nationally Consistent Data Collection initiative and the SWD funding loading advice for the Gonski school funding model being developed by Deloitte.

Commissioners also noted that the CEC Special Education Project Steering Group had an initial discussion of Catholic Special School funding in the Gonski Review context at its 31 May 2012 meeting. The Steering Group will hold a consultation meeting with NSW Catholic Special Schools on 30 July 2012. This consultation meeting will scope the issues to be considered in the Commission’s Special School funding review process. Commissioners will be asked to approve a set of Terms of Reference for the Special Schools review once the scoping process is complete. A key issue will be alignment with related “Gonski” process.

4. National Partnership Update

Commissioners noted key National Partnership developments since February 2012:

- Phase two Literacy and Numeracy National Partnership for July 2012 to December 2013;
- NSW National Partnerships evaluations have commenced;
- NSW has been awarded 100 per cent of First Round Teacher Quality Reward Funding and the CEC funding element should be known by end August 2012;
- additional Teacher Quality Implementation Funds for Catholic sector Principals to be known by end August 2012;
- DEEWR and CEC have finalised a contract for the Australian Teacher Performance and Development Framework subject to endorsement by State Ministers. Implementation in NSW Catholic schools is required to commence in 2013 with $1.7 m in funding to be allocated to Dioceses and Congregational schools; and
- funds have been received for 64 participating Empowering Local Schools National Partnership schools and will be distributed late July 2012.
5. **New Literacy and Numeracy National Partnership**

The Australian Government announced an ‘extension’ to the Literacy and Numeracy National Partnership prior to the 2012/13 Federal budget. It is valued at approximately $211 million. The NSW share of funds should amount to $60 million (maximum). It is expected that activity will take place over the 2013 calendar year. The purpose is to “provide focused support for states and territories to implement effective and evidence-based strategies in schools that are still struggling to achieve satisfactory results in literacy and numeracy”.

Commissioners noted CEC’s engagement with NSW DEC concerning its negotiations with the Commonwealth regarding the establishment of this new Literacy and Numeracy National Partnership. The case was put that the CEC consider applying the funds, due to be released over the 2013 calendar year, towards expanding the implementation of the NSW State Literacy and Numeracy Action Plan.

6. **Gonski Report Update**

Commissioners noted that recently the work program of DEEWR, NCEC and others in relation to the implementation of the Gonski Report has continued. Recent meetings of the Australian Government’s Strategic Policy Working Group (SPWG) and the NCEC have been particularly important. It appears that the Australian Government is moving closer to defining its intended directions on future funding from 2014. It was also noted that the Gonski model requires that the States agree to any Commonwealth model and this is appearing problematic although the NSW Premier has publicly expressed support.

Commissioners noted a range of key research projects are due to be completed and considered within the coming weeks:

- The NCEC report on Socio-Economic data and low SES loadings being prepared by NATSEM;
- The NCEC report on options for modifying the SES model to determine ‘capacity to contribute’ being prepared by Ernst and Young;
- DEEWR paper and proposal for determination of non-government schools’ ‘capacity to contribute’;
- DEEWR options paper on indexation; and
- DEEWR updating of SES determinations for schools using 2011 ABS data and 2012 geocoding of students.

7. **Australian Catholic Schools 2011**

*Australian Catholic Schools 2011* is the ninth annual report on Australian Catholic schools produced by the NCEC. The report provides NCEC with a summary of enrolment trends in Catholic schools. The report is a rich source of information primarily sourced from the annual DEEWR census, but also draws from *MySchool* and the NCEC Data Committee’s annual census of Catholic and Non-Catholic students. Data for NSW and for all NSW dioceses is contained in the report and attention is drawn to certain key features: total enrolments, Staffing, Indigenous students, Students with Disability and Funding. Commissioners were invited to study the report with reference to NSW and NSW dioceses and provide any relevant comment or critique, recognising its value in informing the wider strategic agenda of the CEC including planning for 2013.

Commissioners noted that NSW Catholic schools have experienced significant growth in special needs students and in Indigenous enrolments. Catholic schools provide choice to parents across a wide spectrum of NSW Cities and regions.
Australian Catholic Schools 2011 expands the financial data reported on MySchool by reporting changes to funding from 2009 to 2010 (the first two years of available data). Types of Schools is a new section in this year’s report. This section provides an important illumination of the differences between the States and Territories, and this may assist in the context of the Gonski Review given the significance of the weighting differences for primary and secondary funding between states and territories (the relativities in Victoria are of particular interest).

Commissioners also noted:
- that the analysis could be enhanced by drawing on ABS data;
- proportion of male teachers in Primary is low;
- mix of Catholic / non Catholic students varies across regions and States;
- how the changing mix of students may impact ongoing Australian Government policy development related to both charitable status and anti-discrimination law
- the dependency of some Catholic schools on non-Catholic enrolments;
- proportion of Catholic students going to Catholic schools with particular contrast between NSW and WA; and
- the need to include cross sectoral comparative data for Government and independent schools.

8. NSW Institute of Teachers

At the 23 May 2012 meeting Commissioners considered a paper on “NSW Institute of Teachers Act Amendment Proposals”.

Since the 23 May 2012 Commission meeting, the twenty amendment proposals have been considered by each of: The Diocesan TAA Group; CCER; and the CEC Education Policy Committee.

At this stage of the consultation process, each of the twenty proposals for amendment has attracted at least qualified support across the Catholic sector. No proposed amendment has been directly opposed. In this context an advice schedule has been forwarded to the Institute of Teachers supporting the proposed amendments.

Both CEC and CCER will have another opportunity to engage in the amendment process when the Draft Amendment Bill becomes available. This Bill should be published by mid-August 2012.

9. Children in NSW Out of Home Care, FACS and Catholic Schools Partnership

This agreement between CEC and the NSW Department of Family and Community Services (FACS) identifies systems, processes and strategies to support collaborative practice and joint responses to meet the educational needs of children and young people in statutory out of home care who are enrolled in or are applying to enrol in a NSW Catholic school, including a pre-school.

In particular the CEC and FACS agreement aims to:
- provide a framework for meeting the educational needs, including education planning, of children and young people in statutory out of home care, as a component of the child or young person’s case planning;
- support collaborative, efficient and effective communication channels and modes of working together to improve the educational outcomes of children and young people in statutory out of home care;
- ensure children and young people in statutory out of home care receive coordinated service delivery at key stages or circumstances in their educational life, including transition; and
promote information sharing between each organisation about each other’s policies, programs, services and other resources to facilitate better outcomes for children and young people in statutory out of home care.

The Catholic Education and Social Welfare Coordinating Committee negotiated this Agreement with FACS.

The Commission endorsed and adopted the “Children and Young People in Statutory Out of Home Care Partnership Agreement” with FACS.

10. CEC and DEEWR Funding Agreement for the National School Attendance Project

A funding agreement has been finalised with DEEWR providing $467,892 to support the implementation of the extension of the National “Student Attendance Data and Measurement Project” from a 4 week student attendance collection period to a 20 week attendance data collection period.

Available funds must be expended by 30 November 2012.

A key focus of the project will be to support Diocesan Education Offices and Schools to develop and / or upgrade processes and systems (including ICT systems) that enable the recording and reporting of National Student Attendance Data.

The Education Policy Committee will oversee the management of this project grant including the dispersal of funds to Diocesan Education Offices and Schools.

11. Commonwealth Chaplaincy Program: High Court Judgment

By a majority decision the High Court rejected the plaintiff’s argument that the Commonwealth’s National School Chaplaincy and Student Welfare Program breached Section 116 (the prohibitions on the Commonwealth in respect of religion) of the Constitution. As a result, the judgment has no implications for “religious freedom”. However, the High Court accepted the plaintiff’s argument that the Commonwealth had exceeded its spending powers under Section 83 in implementing the program without the authorisation of Parliament through a specific Act preferably under Section 96 of the Constitution.

Commissioners noted the implications for NSW Catholic schools, namely:

- It is unsafe to base Commonwealth funding for schools on any instrument other than a Statute of the Commonwealth Parliament. It should be noted that from time to time the present Commonwealth Government has proposed basing the funding of non–government schools on a “National Education Agreement”, rather than providing this funding with a Statutory basis. Indeed Government schools are currently exclusively funded through a “National Education Agreement”;

- The High Court points to funding schools under section 96 and this has been the practice since the Commonwealth entered the field in the 1960s. This historic practice should be supported and advocated for; and

- The legal basis for funding streams under National Partnerships for schools is now questionable, despite the emergency legislation passed by the Commonwealth Parliament.
12. **Australian Charities/Not for Profit Legislation**

The Secretariat is tracking a number of National & State policy developments concerning the assessment of both the “Not for Profit” and “Charitable” status of non-government schools including Catholic Schools.

Recent developments have included:

- The deliberations of the NSW Ministerial Committee which monitors the application of Section 21A of the NSW Education Act “Financial Assistance Not to Be Paid to Non-Government Schools Operating for Profit”;

- AEEYSOC discussion of “Harmonisation of Regulatory Frameworks for Non-Government Schools”, including a possible cross jurisdictional agreement on the regulation of the not-for-profit status of schools; and

- Release by the Federal Government of a Draft Bill for the establishment of the Australian Charities and Not for Profits Commission (ACNC). The ACNC is scheduled to commence operations from 1 October 2012 with full implementation from 2014.

Commissioners were reminded of the public policy focus being placed on the “not–for–profit” status of non-government schools and the criteria by which this is assessed. This focus includes consideration of the relationship between schools and their related entities.

CEC together with NCEC will monitor developments and provide advice as required. All Catholic School Authorities need to keep not–for–profit compliance requirements within the scope of their audit and risk processes.

As noted, Commissioners discussed Catholic sector response activities in relation to the Australian Government’s “Charities Commission” Bill. This Bill will establish an Australian Charities and Not-for-Profit Commission. All NSW Catholic schools will fall within the jurisdiction of this new Commission.

Commissioners were advised that NCEC (and CEC) have provided input to the ACBC “Charities Bill” response.

Commissioners expressed concern over the emerging compliance burden for schools.

Both the CEC Secretariat and the Resources Policy Committee are monitoring Charities Commission Bill developments.

John Kitney  
**Commission Secretary**  
3 August 2012
Catholic Block Grant Authority NSW (CBGA) Briefing to the Commission

The Commission noted the briefing from the CBGA:

GENERAL CAPITAL GRANTS PROGRAM

The initial meeting of the State Priority Committee for 2012 was held from Tuesday 5 June to Thursday 7 June 2012 and examined all applications submitted. State Priority Committee members will be visiting applicant schools to acquaint themselves fully with each application and report back to the second meeting of the State Priority Committee meeting between the 25 and 27 July 2012.

BER P21 PROGRAM

All P21 Projects were to have been completed by 30 June 2012, and must be fully acquitted by 31 December 2012.

The status of the P21 projects as at 30 June 2012 is as follows (figures presented to the 20 June 2012 Commission meeting for April are bracketed):

- 635 (576) at full acquitted status
- 84 (141) at completed status;
- 2 (4) under construction.

88% of projects are fully acquitted or 99.5% by value.

TRADE TRAINING CENTRES

DEEWR has issued eight of the nine Round 4 contracts for signature. DEEWR will pay the CBGA initial funding in June. Subsequently, the CBGA will pay all parties according to their agreements. In May 2012, two new facilities reached practical completion and one commenced construction.

DIGITAL EDUCATION REVOLUTION

DEEWR is reviewing the effectiveness of the Digital Education Revolution (DER) program, the CBGA has contacted a number of Dioceses and Congregational schools to ask for their assistance. The consultants who are conducting the review will be meeting at the CBGA on 21 June 2012.

Commissioners noted that approximately $17M will be available for schools for sustainment of computers provided in earlier rounds of the DER

John Kitney
Commission Secretary
3 August 2012