



Catholic
Education
Commission
Tasmania

ARCHDIOCESE OF HOBART

CATHOLIC EDUCATION COMMISSION TASMANIA

CONSTITUTION

“Catholic Schools are a vital expression of the mission of the Church in the Archdiocese of Hobart. They are the means by which not only students, but also families and the staff experience the richness and beauty of the Christian life.”

Archbishop’s Charter for Catholic Schools (2016)

TABLE OF CONTENTS

INTRODUCTION.....	3
PREAMBLE.....	4
1. <u>DEFINITIONS</u>	6
2. <u>EMPLOYMENT AND PROPERTY</u>	6
3. <u>RESPONSIBILITIES OF THE COMMISSION</u>	6
4. <u>EXECUTIVE OFFICER OF THE COMMISSION</u>	8
5. <u>MEMBERSHIP OF THE COMMISSION</u>	9
6. <u>CONDUCT OF COMMISSION MEETINGS</u>	11
7. <u>COMMISSION STANDING COMMITTEES</u>	12
8. <u>AMENDMENTS TO THE CONSTITUTION</u>	12
9. <u>WINDING-UP</u>	12
10. <u>DISPUTES</u>	12
11. <u>INTERPRETATION</u>	13
12. <u>REVIEW OF CONSTITUTION</u>	13
13. <u>INDEMNITY</u>	13

INTRODUCTION

Catholic Schools are a vital expression of the evangelising and educative mission of the Church in the Archdiocese of Hobart.¹ As an ecclesial entity where faith, culture, and life are brought into harmony, the Catholic school should be a place of real and specified pastoral ministry in communion with the local Bishop.² They are the means by which not only students, but also families and the staff experience the richness and beauty of the Christian life.

Through its educational programs the Catholic school strives to show students the way to realise their full human potential.³ Catholic schools do not and cannot carry the entire responsibility for the complete and ongoing education in faith of children and young people. Ideally, this requires strong family, school and parish collaboration. The parish is not principally a structure, a territory or a building, but rather 'the family of God', the community of the faithful.

Pope Francis (2013) reminds us that "the parish is the presence of the Church in a given territory, an environment for hearing God's word, for growth in the Christian life, for dialogue, proclamation, charitable outreach, worship and celebration...It is a community of communities, a sanctuary where the thirsty come to drink in the midst of their journey, and a centre of constant missionary outreach" (*Evangelii Gaudium*, No. 28). Catholic schools collaborate with the parish or parishes from which their students are drawn in their shared mission to promote the Reign of God.

As a consequence, schools, in collaboration with parents and guardians as the primary educators and with the support of parish, have a vital role in the evangelising and educational mission of the Church and in contributing to the common good of society.

Ultimately the goal as Catholic education is the integral formation of the human person, which includes "preparation for professional life, formation of ethical and social awareness, developing awareness of the transcendental, and religious education".⁴

Catholic education places an emphasis on the school as a community of faith.⁵ Teachers, along with parents and guardians as the primary educators of their children, work to foster appreciation of the different gifts that build up a learning and faith community and strengthen academic excellence.⁶

The Catholic school should pay especially close attention to the quality of interpersonal relations between staff and students, ensuring that the student is seen as a person whose intellectual growth is harmonised with spiritual, religious, emotional, and social growth.⁷

By reason of their evangelising mission, Catholic schools should be available to all people who desire a Catholic school education for their children.⁸

PREAMBLE

The Archbishop of Hobart authorises the existence of all Catholic schools in Tasmania and this Constitution has been prepared under the direction of the Archbishop with authority delegated to the Roman Catholic Church Trust Corporation of the Archdiocese of Hobart, a Body Corporate empowered under the provisions of the *Roman Catholic Church Property Act 1932* (as amended) to conduct the activities of the Archdiocese. This Constitution has been adopted to facilitate the conduct and governance of the Catholic Education Commission Tasmania (the Commission).

The Archbishop exercises both canonical and civil oversight of the operations of Catholic schools in the Archdiocese while recognising the rights of the Congregational Schools to the internal management of their schools and their civil governance arrangements.

For the Commission, the ultimate civil authority for the conduct of the Commission rests with the Roman Catholic Church Trust Corporation of the Archdiocese of Hobart (Church Trust Corporation), acting with delegated authority from the Archbishop.

Members of the Commission advise and assist the Archbishop of Hobart, in the exercise of his canonical and civil law authority for Catholic education in accordance with the provisions of Canon Law (canon 803 #1; 806 #2). The Commission operates in accord with the Archbishop's direction as well as the doctrines and laws of the Church. The Commission will be concerned with all facets of Catholic schooling in Tasmania.

The Commission will draw inspiration and direction from the *Archbishop's Charter for Catholic Schools* in striving to develop overarching policies that improve education in Catholic schools in Tasmania and the evangelising role of the Church. In assisting to support and build a community of faith, the Commission will advance the Church's purpose for the religious and faith education of children in Catholic schools.

The Commission's purpose is to support the divine mission of the Church in helping all to arrive at the fullness of Christian life (Canon 794#2) through advancing Catholic schooling in Tasmania. The Commission is missioned by the Archbishop to advise him on all matters relating to Catholic education policy and issues in the Archdiocese as specified in the delegations below.

The Commission is the overarching Catholic Education Tasmania (CET) strategic planning and policy making body. In endorsing policies, the Commission represents the beliefs and values of the Catholic Church and those matters articulated in the *Archbishop's Charter for Catholic Schools*. The Commission's work is guided by the principles of subsidiarity, co-responsibility and common good.

The Commission intends to enter into Memoranda of Understanding with the governing bodies of Congregational Schools operating in the Archdiocese. The Archbishop and the Commission value the contributions and collaboration of the Congregational Schools while respecting their rights to the internal management of their schools (canon 806#1) and their civil law governance arrangements.

Commonwealth and State Governments through the appropriate legislative mechanisms recognise that Catholic Education Commissions in each State or Territory jurisdiction are the 'approved body' for the distribution of government funding, the supervision of accountability provisions and for consultation on major governmental policy initiatives. In Tasmania, on behalf of the Church Trust Corporation, the Commission is the approved body for the receipt of government grants for recurrent and capital purposes.

The Tasmanian Catholic Education Office (the Office) acts on behalf of the Commission with respect to meeting the administrative and accountability responsibilities associated with Commonwealth and State Funding agreements. The delegations of the Executive Director of Catholic Education in relation to the Office and Archdiocesan Schools are contained in the Executive Director's Contract of Employment and Power of Attorney outlining such matters.

The Commission, on behalf of the Church Trust Corporation, also exercises a governance role with respect to the overall operation of the Office. In particular, the monitoring of system wide strategic planning, policy development and ensuring prudent and efficient financial management.

The following Constitution is designed to define the nature and scope of the responsibilities of the Commission in relation to other bodies associated with the mission of Catholic education in the Archdiocese of Hobart. The Constitution endeavours to provide guidance and support for all levels of governance and policy making so as to ensure the establishment of efficient and respectful working relationships.

1. DEFINITIONS

In this Constitution unless the context otherwise admits:

Archbishop means the Archbishop of Hobart.

Archdiocese means the Archdiocese of Hobart.

Archdiocesan School means a school governed by the Archdiocese.

Board means the Board of a School.

Catholic Education Tasmania (CET) refers to the Tasmanian Catholic Education Office, Archdiocesan and Congregational schools and governance operating in the Archdiocese of Hobart.

Congregational School means a school governed by a religious institute or a ministerial Public Juridic Person (PJP).

Church Trust Corporation means the Roman Catholic Church Trust Corporation of the Archdiocese of Hobart.

Executive Director means the Executive Director of Catholic Education in Tasmania who acts as the Executive Officer of the Commission.

School means a school or college.

The Commission means the Catholic Education Commission Tasmania.

The Office means the Tasmanian Catholic Education Office.

2. EMPLOYMENT AND PROPERTY

2.1. The Church Trust Corporation shall be the employer of all employees of the Office and all Archdiocesan Schools. The governing body of the Congregational School is the employer for Congregational Schools. The Church Trust Corporation delegates this responsibility to the Executive Director through a Power of Attorney.

2.2. The Church Trust Corporation owns the legal title of the land and buildings of the Archdiocesan Schools and the Office.

3. RESPONSIBILITIES OF THE COMMISSION

The Commission exercises governance responsibilities on behalf of the Archbishop and the Church Trust Corporation. These take the form of state and diocesan responsibilities.

3.1 Diocesan Responsibilities:

The Commission has the following functions:

- a) Overseeing:
 - (i) the implementation of the Archbishop's Charter;
 - (ii) the strategic planning and the school effectiveness agenda; and
 - (iii) the development of education policies, research materials, benchmarking and information sharing which contribute to the:
 - Enhancement of the Catholic identity in education.
 - Enhancement of the quality of education in Catholic schools.

- b) Ensuring:
 - (i) that the needs of parents, students, parishes and school communities relating to the activities of Catholic schools in Tasmania are identified and appropriate responses are implemented.

- c) Supporting:
 - (i) the Executive Director of Catholic Education in the exercise of his/her role.

3.2 State Responsibilities:

The Commission has the following functions:

- a) Acting:
 - (i) as an Approved System Authority in accordance with the *Australian Education Act (AEA)* and its regulations and the *State Education Act 2016* and other relevant state legislation;
 - (ii) as the approved authority for a system of non-government schools as outlined in Section 146 of the *Education Act 2016*; and
 - (iii) as officers of the Person Conducting a Business or Undertaking (PCBU) as outlined in Section 27 of the *State Workplace Health and Safety Act*.

- b) Ensuring:
 - (i) compliance with governmental obligations at both Federal and State level with regards to Federal and State funding;
 - (ii) that funding for Catholic schools is distributed in accordance with relevant legislation;
 - (iii) compliance with Church law and policies regarding Catholic education through the provision of timely advice to the Archbishop and the Executive Director;

- (iv) liaison with Archdiocesan and Congregational Schools is undertaken, particularly in relation to Federal and State grant administration and accountabilities; and
 - (v) advocacy for Catholic schools with:
 - Governments;
 - Parliaments;
 - State and Federal Education Authorities (Office of Tasmanian Assessment, Standards and Certification, Office of Non-Government Schools, Teachers Registration Board);
 - other education sectors;
 - peak bodies including parent associations and unions;
 - the media; and
 - the general public.
- c) Promoting:
- (i) co-operative links within Catholic education in Tasmania and other groups for the advancement of education and religion; and
 - (ii) opportunities to collaborate within Catholic education in Tasmania on education-related matters and fostering a culture whereby educational leadership can meet and engage in common areas where cross-sectoral approaches can be developed.
- d) Supporting:
- (i) Catholic Schools and the Office; and
 - (ii) contributing to the advancement of Catholic schools nationally through the National Catholic Education Commission and its sub-committees and working parties.
- e) Initiating:
- (i) research and collection of statistical, financial and educational data relevant to the Commission's responsibilities.

4. EXECUTIVE OFFICER OF THE COMMISSION

The Executive Director of Catholic Education will act as the Executive Officer of the Commission.

5. MEMBERSHIP OF THE COMMISSION

Commission members should have knowledge and appreciation of Catholic education in Tasmania. Members shall not be representative of a particular group, but will focus on the common good of all in Tasmanian Catholic education.

5.1 Members of the Commission are appointed by the Archbishop and shall consist of:

- the Chairperson of Commission (directly appointed by the Archbishop);
- the Executive Officer who is a non-voting member;
- two nominees of the Archbishop; and
- up to nine ordinary members.

5.2 In selecting the members for appointment, the Archbishop will have consideration for gender, regions, Archdiocesan and Congregation school experience and direct and current experience as a parent of children in Catholic schools. He will also consider the balance of skills and expertise needed by the Commission so as to operate effectively. Relevant skills and expertise include educational, theological, legal, financial, governance and government relations.

5.3 Any Ordinary Member who is absent from three (3) consecutive ordinary meetings, without leave of absence from the Chairperson, shall cease to be a member of the Commission.

5.4 Each voting member of the Commission, including the Chairperson, shall have a deliberative vote. In the event of a tied vote, the Chairperson shall have the casting vote and that vote will be in favour of preserving the status quo. No member of the Commission shall be entitled to vote by proxy.

5.5 When the Commission requires specialist assistance, it has the authority to invite people to attend meetings as non-voting participants or invite people to serve on standing committees of the Commission. Such committees, where possible, would include at least one Commission member.

- 5.6 By a resolution passed by a simple majority of voting members, a recommendation can be made to the Archbishop for the termination of the appointment of any Ordinary Member of the Commission.
- 5.7 The Archbishop, at his discretion, may terminate the membership of any member of the Commission.
- 5.8 Period of Membership:
- 5.8.1 Ordinary Members shall be appointed for a period of three (3) years and may be re-appointed for a subsequent term, but may not be re-appointed again until three (3) years after the completion of such a second term, except in exceptional cases as determined by the Archbishop.
- 5.8.2 The Chairperson will be appointed directly by the Archbishop for a period of three (3) years and may be re-appointed for a subsequent term, but may not be re-appointed again until three (3) years after the completion of such a second term, except in exceptional cases as determined by the Archbishop.
- 5.8.3 In the event of a casual vacancy, the Commission Executive will make a recommendation to the Archbishop to fill such a vacancy.
- 5.9 Officers of the Commission:
- 5.9.1 The Commission shall at its first meeting in each calendar year elect an Executive Committee to act on behalf of the Commission between meetings. It shall consist of the Chairperson, Deputy Chair, the Executive Officer and one other member.
- 5.9.2 The Commission shall at its first meeting in each calendar year appoint a Deputy Chairperson who shall hold office for one year.
- 5.9.3 The Chairperson shall be responsible for the conduct and control of meetings of the Commission and the Executive Committee.

5.9.4 The Executive Secretary will act as the official Secretary to the Commission and does not have the right to vote.

6. CONDUCT OF COMMISSION MEETINGS

- 6.1 Ordinary meetings shall be held at least six (6) times per year and shall be convened by the Chairperson or delegate by giving not less than seven (7) days' notice to each member, stating the date, time and place of each meeting and any agenda items to be considered. The Executive Officer or his/her delegate must be present at all meetings.
- 6.2 Extraordinary meetings of the Commission shall be convened by:
- the Chairperson at the Chairperson's discretion; or
 - at the request of the Archbishop, Commission Executive or the Executive Director.
- 6.3 Extraordinary meetings shall be convened by giving each member not less than seven (7) days' notice in writing, stating the date, time and place of the meeting with particulars of any special business to be considered at the meeting.
- 6.4 A quorum shall consist of a simple majority of the voting members of the Commission.
- 6.5 The Chairperson shall preside over all meetings of the Commission at which he or she is present. In the absence of the Chairperson, the Deputy Chairperson shall preside and, in the absence of both of them the members present will elect a chair from the voting members.
- 6.6 The Executive Secretary shall ensure that there is a record of the proceedings of each meeting in the form of minutes. The minutes of a meeting shall be circulated to members not later than three (3) weeks after the meeting and shall be confirmed at the next meeting subject to any amendments or additions made thereto at that meeting.
- 6.7 Each voting member of the Commission shall be empowered to vote on any matter brought before the Commission except where there is a conflict of interest. In such cases, the Commission member will declare their interest and the Chairperson has the

right to ask that member to leave the meeting whilst that issue is under consideration.

7. COMMISSION STANDING COMMITTEES

7.1. There will be four permanent Standing Committees of the Commission that will support the work of the Commission, including:

- Catholic Identity and Evangelisation Standing Committee;
- Education Standing Committee;
- Resources and Sustainability Standing Committee; and
- People and Culture Standing Committee.

7.2. The Commission will review the Terms of Reference of the Standing Committees every three years or as otherwise required by the Commission.

7.3. The Commission may delegate tasks, operations or projects to a committee or working party and such other persons as the members from time to time think fit.

8. AMENDMENTS TO THE CONSTITUTION

This Constitution may be amended at any time by a Special Resolution passed by not less than three quarters of the members of the Commission and approved by the Archbishop.

9. WINDING-UP

The Commission may be wound up upon the direction of the Archbishop at any given time, in accordance with any legal requirements relevant to the winding up process.

10. DISPUTES

In the event of any dispute between the Commission and the Executive Director, such matters shall be referred in the first instance to the Church Trust Corporation and, if necessary, to the Archbishop who has the ultimate authority.

11. INTERPRETATION

If, in a Member's opinion, any part of this Constitution is ambiguous or otherwise unclear, the member must refer the matter to the Chairperson who will then issue a decision setting out the correct interpretation of the relevant provision.

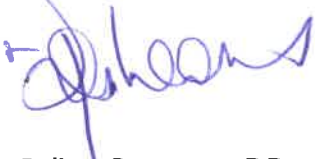
12. REVIEW OF CONSTITUTION

This Commission shall be subject to review every four (4) years, or at any other times as directed by the Archbishop.

13. INDEMNITY

The Church Trust Corporation indemnifies every person who is or has been a member of the Commission against any financial loss arising from the civil liability of that member which results from facts or circumstances relating to that person's serving or having served as a member and which does not arise out of conduct known to the person to be unlawful or wrongful or which was not undertaken in good faith.

Authorised by:



+ Julian Porteous DD

Archbishop of Hobart

1 January 2019

¹ *The Archbishop's Charter for Catholic Schools*, Tasmanian Catholic Education Office, 1.

² *The Catholic School*, 44; *The Catholic School on the Threshold of the Third Millennium*, 14.

³ *The Catholic School*, 34, 35.

⁴ *The Catholic School*, 31.

⁵ *The Catholic School on the Threshold of the Third Millennium*, *Lay Catholics in Schools*, 22, 41.

⁶ *Lay Catholics in Schools*, 78.

⁷ *The Catholic School on the Threshold of the Third Millennium*, 18.

⁸ *Gravissimum Educationis*, 6; *Code of Canon Law*, Canons 793 #2.