



Catholic
Education
Commission
Tasmania

ARCHDIOCESE OF HOBART

**CATHOLIC EDUCATION COMMISSION
TASMANIA**

**CONSTITUTION
EXPLANATORY NOTES**

Explanatory Notes for the Constitution of the Catholic Education Commission Tasmania

Context:

These notes do not form part of the Constitution of the Catholic Education Commission Tasmania (the Commission) and are not intended to be a comprehensive outline of all key roles and responsibilities, but rather to serve as a guide to assist all modes of governance to further understand their respective roles as outlined in the Commission's Constitution and the Standard Terms of Reference for the Boards of Archdiocesan Schools.

1) Archbishop:

The Archbishop has full ecclesiastical authority for all Catholic schools in Tasmania as provided for in Canon Law (Canon 806)¹. Furthermore, Archdiocesan schools (as distinct from Congregational schools) are also under the ultimate civil authority of the Archbishop. Congregational schools operate under the patronage of the Archbishop and are required to comply with the *Archbishop's Charter for Catholic Schools* and relevant general regulations issued under Canon Law.

2) Roman Catholic Church Trust Corporation of the Archdiocese of Hobart (Church Trust Corporation)

In 2005 the *Roman Catholic Church Property Act 1932*, (the Act) was amended. The Body Corporate constituted under the Act was formerly known as The Trustees of the Property Catholic Church in Tasmania. The Body Corporate, which had legal status for the purposes of holding property, is now known as the Roman Catholic Church Trust Corporation of the Archdiocese of Hobart (Church Trust Corporation) which is empowered, in addition to holding property, to enter into a full range of civil commercial activities, particularly with regards to signing contracts and acting as the employer of the Church Agencies and Entities.

¹ Canon 806 -

- (1) "The diocesan Bishop has the right to watch over and inspect Catholic schools in his territory, even those established or directed by members of religious institutes. He also has the right to issue directives concerning the general regulation of Catholic schools; those directives apply also to schools conducted by members of a religious institute, although they retain their autonomy in the internal management of their schools.
- (2) Those who are in charge of Catholic schools are to ensure, under the supervision of the local Ordinary, that the formation given in them is, in academic standards, at least as outstanding as that in other schools in the area."

The Archbishop, at his discretion, can request that the Church Trust Corporation take overall responsibility for any Archdiocesan agency and entity. The Church Trust Corporation comprises members, all of whom are appointed by the Archbishop and are fully accountable to him. For the purposes of the Catholic education sector, the Church Trust Corporation is the body that has overall responsibility for all Catholic Schools in Tasmania with the exception of those Congregational Schools that are conducted by religious institutes and ministerial Public Juridic Persons (PJP). The Church Trust Corporation is the employer for the Archdiocesan Schools and the Office.

Through letters of delegation the Church Trust Corporation will formally empower different groups within the Catholic education sector to take responsibility for the various aspects of Catholic education at a Church Trust Corporation level. The Church Trust Corporation delegates responsibility in three key areas:

- a) **Governance** – There are two levels of governance for Archdiocesan Schools: system-level governance through the Commission; and local-level governance through the Archdiocesan School Board (the Board). Congregational Schools operate under the patronage of the Archbishop as outlined in the Memoranda of Understanding between the Archbishop and their governing bodies and are governed in all other respects by their religious institute or ministerial PJP and their school boards.
- b) **Policy Development** – the responsibility of the Commission and its Standing Committees at a system level.
- c) **Operational management and support** –the responsibility of the Tasmanian Catholic Education Office (the Office) as delegated to the Executive Director in the Power of Attorney.

3) **Responsibilities of the Executive Secretary**

The Executive Secretary shall be responsible to the Commission through the Executive Officer and, in particular, will:

- 3.1 undertake executive, administrative and secretarial duties of the Commission as directed;

- 3.2 assume responsibility for the conduct and planning of Commission meetings; and
- 3.3 communicate promptly and effectively with the Schools and Parishes with respect to Commission decisions and policy statements.

4) Responsibilities of the Commission Executive

The responsibilities of the Commission Executive are to support, monitor and guide the Executive Officer, the Executive Secretary and the Commission in the exercise of their duties as outlined above. The Commission Executive is responsible for the following:

- 4.1 to make management decisions on behalf of the Commission between regular meetings in accordance with Commission protocols outlined;
- 4.2 to oversee the management of urgent issues or complaints relevant to the role of the Commission; and
- 4.3 to provide recommendations to the Commission for the appointment of members of the Standing Committees and sub-committees.

5) Local Governance of Archdiocesan Schools:

The Archdiocesan School Board is a vital structure in supporting the operation of the school at a local level. In accordance with the Board Terms of Reference, the Church Trust Corporation delegates a range of functions to the Board. These include supporting the Principal across a range of governance issues such as strategic planning, local policy development and preparation of the budget and the capital works program of the school.

The Principal supports the Board in its work of local governance. The Church Trust Corporation operating under the principle of subsidiarity delegates through the Executive Director of Catholic Education to the Principal a range of responsibilities, as the leader of the school. The Principal has full operational authority to lead and manage the spiritual, educational and administrative dimensions of the school as delegated in the Principal's contract of employment and role description.

6) Policy Development: Catholic Education Commission Tasmania

The Commission has delegated responsibility for developing policy statements for all schools (Archdiocesan and Congregational). Where required, Commission policy is to be consistent with Archdiocese of Hobart policy. These policies are circulated to all schools for implementation. It is the responsibility of the Office, the Boards and Principals to ensure Commission policies are implemented.

The Commission has the ultimate responsibility to monitor broad legislative, financial and compliance issues and to liaise with State and Federal Governments on behalf of the Archdiocese. The Commission also exercises a supervisory function over aspects of the work of the Office that are relevant to its delegated brief.

7) Operational Management and Support: Tasmanian Catholic Education Office (the Office) and the Executive Director of Catholic Education

The Church Trust Corporation delegates specific responsibilities to the Office through the Executive Director of Catholic Education. The role of the Office is to provide professional support, administrative services and guidance to all schools.

The Executive Director of Catholic Education is directly responsible for overall leadership and management of Catholic Education across the Archdiocese. For Archdiocesan Schools this is a direct relationship and for Congregational Schools the relationship between the Executive Director, the Office and Congregational Schools is outlined by Memoranda of Understanding.

Notwithstanding the above statement, the Executive Director, on behalf of the Commission, is responsible for:

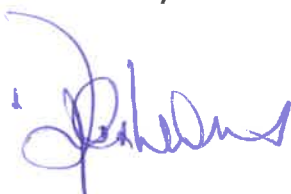
- 7.1 supporting and nurturing the faith community of schools in keeping with the nature and spiritual heritage of the Archdiocese;
- 7.2 implementing policies and decisions of the Archdiocese and the Commission;

- 7.3 developing, interpreting and implementing policy in all matters where the welfare of all schools in the Archdiocese and the Office is concerned;
- 7.4 acting as the designated agent of the Commission in the management and distribution of State and Commonwealth funding, particularly with regards to the signing of funding agreements and the monitoring of accountability protocols;
- 7.5 acting as the designated agent of the Church Trust Corporation with respect to the engagement, management and supervision of all staff employed within the Office and the schools governed by the Archdiocese;
- 7.6 facilitating the employment of the Senior Leadership Personnel within the Office, subject to the formal endorsement of the Archbishop;
- 7.7 discerning and implementing the strategic priorities of the Archdiocese of Hobart with respect to Catholic education;
- 7.8 establishing and supervising the pastoral and professional standards and practice for the Office and Archdiocesan Schools;
- 7.9 managing all public relations for the Commission and the Archdiocese of Hobart with respect to educational issues;
- 7.10 administering the finances of the Office and the schools within the limits set by the annual budget and in accordance with the guidelines set by the Commission;
- 7.11 providing regular reports to the Commission on the operations of the schools and the Office;
- 7.12 fulfilling all legal, industrial, compliance and accountability requirements expected of the Office and the schools; and
- 7.13 producing, on behalf of the Commission, an Annual Report to the Archbishop and the wider Catholic Community.

8) Other Archdiocesan Bodies

The Catholic education sector operates within the broader context of the pastoral and administrative functions of the Archdiocese of Hobart. Catholic schools are a tangible expression of the pastoral ministry of the Catholic Church in Tasmania. Consequently, on occasions, other Church Trust Corporation will develop policies or administrative protocols that impact on the operation of Archdiocesan Schools. In such cases the Office will ensure the implementation of Archdiocesan Tier 1 policies and reporting mechanisms as appropriate.

Authorised by:



+ Julian Porteous

Archbishop of Hobart

1 January 2019