



THE ROLE OF RELIGIOUS INSTITUTE (RI)
AND
MINISTERIAL PUBLIC JURIDIC PERSON (MPJP)
SCHOOL AUTHORITIES
IN
CATHOLIC SCHOOL GOVERNANCE IN AUSTRALIA

POSITION PAPER
August 2021

PREPARED BY
**The Committee of Religious Institute & Ministerial Public
Juridic Person School Authorities Australia (CORMSAA)**

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EXECUTIVE SUMMARY

THE ROLE OF RELIGIOUS INSTITUTE (RI) AND MINISTERIAL PUBLIC JURIDIC PERSONS (MPJP) SCHOOL AUTHORITIES IN CATHOLIC SCHOOL GOVERNANCE IN AUSTRALIA.

Background

This Position Paper describes matters for strategic consideration and discussion to ensure the continued quality Catholic education, safety and wellbeing of students in all Catholic schools. Its intent is to enable reflection, discernment and response from episcopal, national, state and diocesan governance bodies, diocesan school authorities and both RI and MPJP school authorities to ensure the legitimate participation of RI and MPJP school authorities in governance structures and processes in the mission of Catholic education. It is prompted by current and emerging issues of governance within Catholic education, both strategic and operational, across some states and territories in Australia. It has been prepared by the Association of Ministerial Public Juridic Persons (AMPJP) Committee of Religious Institute (RI) and Ministerial Public Juridic Person (MPJP) School Authorities Australia (CORMSAA) which was formed in July 2020. It is endorsed by AMPJP and Catholic Religious Australia (CRA).

Acknowledgement

It is acknowledged that the gathering of accurate and stable census data was problematic. The importance of being able to differentiate the internal Catholic school census data at state and national level is critical in moving forward to optimise the development of policy and practice across various aspects of Catholic education.

Proposal

It is established that RI and MPJP enrolments in states and territories across Australia contribute significantly in founding and continuing to administer schools attracting important enrolment percentages in the Catholic sector. RI and MPJP School Authorities are historically and currently significant contributors to the mission of Catholic education. At this critical period in the mission of the Catholic Church in Australia, it is important that all School Authorities are engaged in bringing forth both history, insight and emerging new ways of participating in governance for mission, focused on quality education for all students.

The following is proposed:

1. **Formal representation, participation and a voice at the table in state and territory-based Catholic System Authorities**, confirmed in the Constitutions as exemplified in the Statutes of NCEC and the Constitution of the Queensland Catholic Education Commission.
2. **Formally constituted co-responsible mission-focused partnerships** and processes for dialogue between state and territory-based Catholic System Authorities (Commissions and incorporated bodies) and RI and MPJP School Authorities.
3. **Structured processes of dialogue and discernment** to move towards a mature integrated system of Catholic education characterised by subsidiarity and commitment to synodality – *‘synodality is a style, it is a walk together, and it is what the Lord expects from the Church of the third millennium’*¹

It is acknowledged that different models of partnership currently exist and will emerge from the variety of governance structures that exist across Australia. In progressing the processes of dialogue and discernment, CORMSAA is encouraging RI & MPJP School Authorities and State-based Associations, to engage with local education authorities to ensure the needs of each context are met.



Philomena Billington (Chair)

On behalf of CORMSAA Committee Members

August 2021

See Description of CORMSAA Purpose & Structure on Page 23

¹ Pope Francis (November 29, 2019) Address to the Congregation for the Doctrine of the Faith’s Theological Commission. Reported in Catholic News Agency (CNA).

POSITION PAPER

THE ROLE OF RELIGIOUS INSTITUTE (RI) AND MINISTERIAL PUBLIC JURIDIC PERSONS (MPJP) SCHOOL AUTHORITIES IN CATHOLIC SCHOOL GOVERNANCE IN AUSTRALIA.

1. INTRODUCTION

This Position Paper is prompted by current and emerging issues of governance within Catholic education, both strategic and operational, across some states and territories in Australia. It describes matters for strategic consideration and discussion to enable reflection and response from both Religious Institute (RI) and Ministerial Public Juridic Person (MPJP) school authorities, diocesan school authorities, state-based, episcopal and diocesan governance structures and processes to ensure the legitimate participation of RI and MPJP school authorities in governance.

As 200 years of Catholic education in Australia is celebrated, it is pertinent to note that for at least 100 of those years RI and MPJP School Authorities were the sole providers of Catholic education and that the current Catholic School systems were created with significant initiative, advice and contribution from the Religious Institutes. It is noted that the historic Armidale Meeting in 1972 is significant in the transition phase to the systems of schools across Australia today. As the third century of Catholic education in Australia begins, it is timely to emphasise the purpose and role of RI and MPJP schools and school authorities. It is salient to reflect on the introductory words of *Novo Millennio Ineunte* to *'recall the past with gratitude, live the present with enthusiasm, and look to the future with confidence'*² as inspiration for this initiative.

2. PURPOSE

The purposes of this paper to stimulate discussion on the role of RI/MPJP school authorities in the shared provision and governance of Catholic schooling to ensure choice, accessibility and growth of quality Catholic education and wellbeing opportunities for students, are:

- To describe the **profile of RI and MPJP School Authorities** in Australia – enrolment share and demography in each context
- To describe the current national landscape of governance in Australia and the current **relationship between civil and canonical governance** in each context and the possibilities for strengthened participation of RI and MPJP School Authorities as legitimate canonical authorities in governance in state and territory based school authorities.

² Pope John Paul II (2001) *Novo Millennio Ineunte* n. 1

- To inform RI and MPJP members, both at state and national level of the **current national landscape of governance in Catholic education** in Australia
- To propose ways forward to **strengthen mission-focused partnerships** with RI & MPJP School Authorities across Catholic education in Australia

3. GUIDING PRINCIPLES

The following principles frame and guide the thinking and proposals within this paper:

- The co-responsible mission and legitimate canonical authority of all governance entities in animating and stewarding the mission of Catholic education in Australia.
- The commitment to governance practices that meet both the canonical and civil requirements³ grounded in an ongoing commitment to dialogue.
- The commitment to synodality as a founding understanding of being church – *'synodality is a style, it is a walk together, and it is what the Lord expects from the Church of the third millennium'*.⁴
- Governance structures and processes in stewarding the mission that are characterised by subsidiarity, dialogue, discernment, inclusion, consultation, transparency and accountability.⁵

4. CONTEXTUAL CONSIDERATIONS

As the third century of Catholic education in Australia is encountered, it is pertinent to take stock of the changing context of Catholic school authorities. Religious Institute schools are well established and their role and authority has been understood. However, the landscape has and is changing:

- the advent of MPJP school authorities⁶;
- the continuation of a significant number of RI school authorities;
- the incorporation of some authorities and schools;
- incorporated schools which are neither RI, MPJP or Diocesan but an apostolic work of the Church within a particular Diocese;
- the sharing of governance between RI and Diocesan authorities;

³ Implementation Advisory Group Report: The Light from the Southern Cross – Promoting Co-Responsible Governance in the Catholic Church in Australia (August 2020) – Commissioned by ACBC & CRA. (pp.38 – 54)

⁴ Pope Francis (Nov 29, 2019) Address to the Congregation for the Doctrine of the Faith's Theological Commission. Reported in Catholic News Agency (CNA), November 29, 2019

⁵ Implementation Advisory Group Report: The Light from the Southern Cross – Promoting Co-Responsible Governance in the Catholic Church in Australia (August 2020) – Commissioned by ACBC & CRA. (pp.38 – 54) informed by Catholic Social Teaching.

⁶ McMullen, G & Oakley, P. (2020) Ministerial PJPs Advancing Lay Leadership in the Australian Church in Australasian Catholic Record (pp.450-459)

- the ‘handing over’ of some RI schools to the Diocese and its governing authority whilst remaining an affiliate school in some instances;
- the identification of some Diocesan schools with the charism expressed through RI/MPJP networks, and
- the changing relationship of both groups with Diocesan school authorities.

It is important to describe some of the interpretations of the relationships.

Across various states and territories, RI and MPJP school authorities have varying relationships for the purposes of Commonwealth and State funding. For example, in Victoria and Queensland all RI and MPJP schools are part of the ‘system’ for funding. This arrangement is not necessarily the case in other jurisdictions with some schools being included and others being funded directly. It is a varied landscape and the challenges which ensue are all within the ‘tent’ of Catholic education authorities to consult and clarify. Government authorities, both Commonwealth and State, have determined the Catholic authorities with which they engage, i.e. the National Catholic Education Commission (NCEC) and the various state and territory Commissions and/or incorporated bodies.

A critical consideration is to differentiate the definition of ‘system’ for funding purposes and the legitimate canonical governing authority of RI and MPJP schools. RI Schools and MPJP Schools are governed independently according to the canonical statutes of each entity and operate within dioceses through agreement with the local Bishop – *‘Canon 678 is the central canon describing the balance between the autonomy of the religious and the authority of the bishops. It makes clear that each authority must respect the other, and that their organisation of the works of the apostolate must proceed by way of mutual consultation...MPJPs have the same relationship obligations to the diocesan Bishop in whose diocese they operate a ministry, as Religious Institutes do, namely respect, cooperation, compliance with his coordination policies and mutual consideration...although the maintenance of good relationships and mutual respect would always be a priority, the protection of autonomy of a Religious Institute or an MPJP has been a strongly defended principle in the history of the Church and in current practice’ (cf canons 806; 1262 & 1263)*

5. SNAPSHOT OF CURRENT GOVERNANCE STRUCTURES ACROSS AUSTRALIA

Informed by the above contextual considerations, a snapshot of the current situation of the governing relationships between Religious Institute (RI) and Ministerial Public Juridic Person (MPJP) and the diocesan and state governance bodies reveals varied practice both strategically and operationally in meeting canonical and civil governance

⁷ Mary Wright IBVM – unpublished paper 11 August 2017

requirements (Table 1). It is important to note the increasing level of statutory requirements of state-based and federal education authorities.

Table 1: Summary of Governance Structures in Australia – national, state and territory

State or Territory	Nominated/Approved System Authority	RI/MPJP MEMBERSHIP
National	National Catholic Education Commission (NCEC)	Yes – 1 person nominated by AMPJP and approved by the Bishops Commission for Catholic Education (BCCE) – Statutes 4 (e)
Queensland Case Study A	QCEC	Yes – 2 (nominated by RI/MPJP Committee) Constitution of the Queensland Catholic Education Commission. Ref: 5.1.2
New South Wales Case Study B	CSNSW Ltd	No membership
Victoria	CECV Ltd	No membership on CECV but membership on all CECV Committees
Tasmania	TCEC	Membership by invitation – 2 RI members (1 not connected to a school in Tasmania)
South Australia	SACCS Ltd	2 RI Canonical Stewards invited to sit on SACCS. Trustees & Governors of RI & MPJP School Authorities meet twice yearly
Western Australia	CECWA Ltd	No membership
Northern Territory	Catholic Education Council (CEC) of the NT	A Marist Brother is currently the Deputy Chair of CEC – unsure of the process.
ACT	CEC Canberra/Goulburn	No RI/MPJP nominee role on CEC – currently an RI Principal is a member but the Constitution does not require RI/MPJP membership. Archbishop, Chair of CEC & Exec Director meet with RI and MPJP School Authorities (leaders or representatives) annually

6. THE CURRENT ENROLMENT CONTEXT

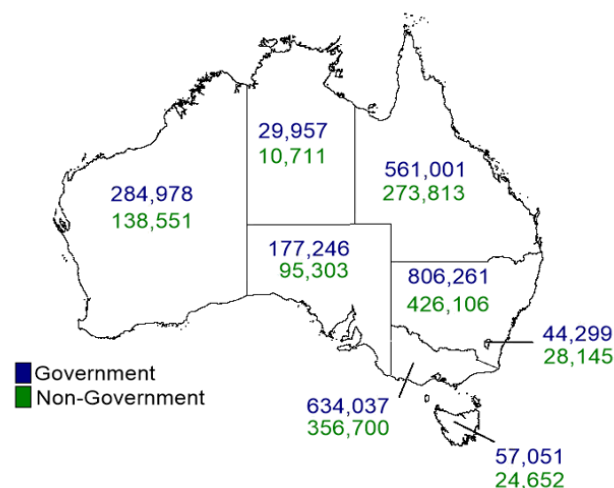
The following national census data section describes the current enrolment share of RI and MPJP schools across each of the states and territories for 2019 due to this being the most consistent national source available to CORMSAA – 2020 is still being finalised (NCEC source). It is acknowledged that obtaining consistent data continues to be challenging due to the current complex data collection procedures which do not

adequately differentiate the data of RI and MPJP schools within the Catholic sector in some jurisdictions. Every endeavour has been made to ensure the integrity of the data presented in the following snapshots. Student enrolment data has been obtained from a range of sources including ABS, ACARA 2019 data, NCEC 2019 Annual Report, QCEC 2019 data, CECV *Statistics at a Glance 2019* and *State of the System Reports*(NSW) 2019 and 2020. It is acknowledged that both February and August census dates each year are used to collect the data and has resulted in some small variations for each jurisdiction.

6.1 National Census Data - 2019⁸

Map 1.

Student enrolment counts by state and territory and school affiliation – government and non-government schools, 2019. The Non-Government school sector includes both Catholic and non-Catholic schools.



In 2019

- there were 3,948,811 students enrolled in schools across Australia, an increase of 54,977 (1.4%) since 2018
- government schools held the greatest share of enrolments (65.7%), followed by Catholic schools (19.5%) and independent schools (14.8%)

In 2019, the ABS reveals non-government school enrolment rates were⁹

- highest in the Australian Capital Territory (38.9%) and Victoria (36.0%)
- lowest in the Northern Territory (26.3%)

⁸ ABS Data: <https://www.abs.gov.au/statistics/people/education/schools/latest-release>

⁹ ABS Schools Australia: <https://www.abs.gov.au/ausstats/abs@.nsf/Latestproducts/4221.0Main%20Features22019?opendocument&tabname=Summary&prodno=4221.0&issue=2019&num=&view=>

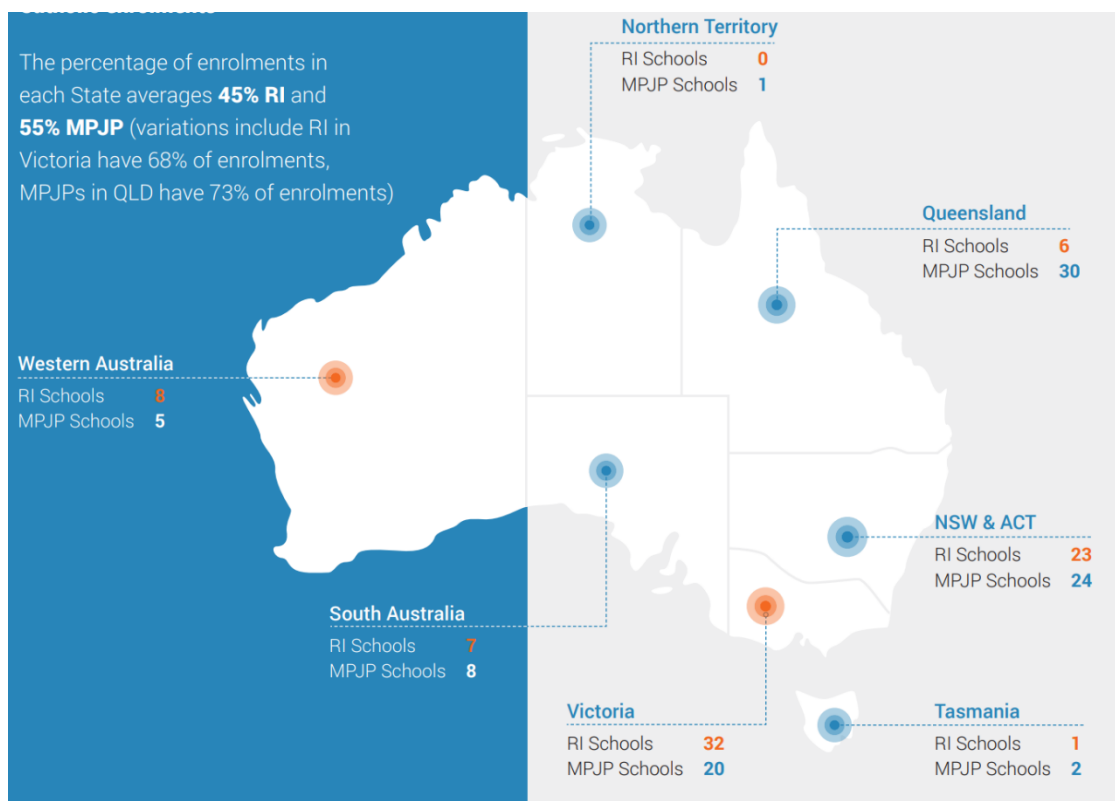
- lower for students attending schools in very remote areas (13.3%) than for remote areas (21.8%), outer regional areas (25.8%), inner regional areas (33.4%) and major cities (36.4%)

A further analysis of **census data for Catholic Schools** (Table 2) within the Non-Government Schools Data (2019) reveals:

Table 2: Australian Catholic School Enrolments by Church Authority (2019)

DIOCESES		TOTAL RI/MPJP		RELIGIOUS INSTITUTES (RI)	MINISTERIAL PJPS
1,667 schools	90.9%	168 schools	9.1	78 schools	90 schools
622,192 enrolments	80.76%	149,431 enrolments	19.24%	77,478 enrolments	69,865 enrolments

Map 2: Summary of Data on RI & MPJP Schools across Australia



6.2 State-Based Data - 2020

The percentage of RI and MPJP enrolments as a percentage of all Catholic school enrolments vary across the States:

- From 1.7% in Northern Territory to 30.06% in South Australia. (Table 3)
- RI and MPJP schools have comparatively a lower percentage(4.3%) of enrolments in primary schools and a greater percentage(35.4%) in secondary schools (Table 4).
- In Queensland (Table 4) more than one in three secondary students in Catholic schools is enrolled in a RI/MPJP school.
- In NSW (Table 5) and Western Australia (Table 9) more than one in four students in Catholic secondary schools is enrolled in a RI/MPJP school
- In Victoria (Table 6) and South Australia (Table 7) almost one in two students in Catholic secondary school is enrolled in an RI/MPJP school.

Table 3: Summary of Student Enrolments for Catholic Authority in each State.

State	Diocesan School Authority		RI/MPJP School Authority	
Queensland	124,844	(81.1%)	29,164	(18.9%)
NSW	219,547	(85.1%)	38,422	(14.9%)
Victoria	159,342	(75.6%)	51,354	(24.4%)
South Australia	32,404	(69.9%)	13,934	(30.1%)
Tasmania	13,245	(88.1%)	1,797	(11.9%)
Western Australia	60,987	(83.2%)	12,336	(16.8%)
Northern Territory	4,765	(98.3%)	81	(1.7%)
ACT	14,393	(79.2%)	3,785	(20.0%)
Total	629,527	(80.7%)	150,873	(19.3%)

Table 4: National Summary (2020)

SCHOOL AUTHORITY	ENROLMENT		PRIMARY		SECONDARY
Diocesan	629,527	(80.8%)	385,750	(95.7%)	243,777(64.6%)
RI/MPJP	150,873	(19.2%)	17,175	(4.3%)	133,698(35.4%)
TOTAL	780,400		402,925		377,475

Table 5: Queensland (2020)

SCHOOL AUTHORITY	ENROLMENT		PRIMARY		SECONDARY	
Diocesan	124,844	(81.1%)	77,401	(96.1%)	47,443	(64.5%)
RI/MPJP	29,164	(18.9%)	3,099	(3.9%)	26,065	(35.5%)
TOTAL	154,008		80,500		73,508	

Table 6: New South Wales (2020)

SCHOOL AUTHORITY	ENROLMENT		PRIMARY		SECONDARY	
Diocesan	219,547	(85.1%)	124,250	(95.8%)	95,297	(74.3%)
RI/MPJP	38,422	(14.9%)	5,478	(4.2%)	32,944	(25.7%)
TOTAL	257,969		129,728		128,241	

Table 7: Victoria (2020)

SCHOOL AUTHORITY	ENROLMENT		PRIMARY		SECONDARY	
Diocesan	159,342	(75.6%)	109,027	(97.4%)	50,315	(50.9%)
RI/MPJP	51,354	(24.4%)	2,916	(2.6%)	48,438	(49.1%)
TOTAL	210,696		111,943		98,753	

Table 8: South Australia (2020)

SCHOOL AUTHORITY	ENROLMENT		PRIMARY		SECONDARY	
Diocesan	32,404	(69.9%)	21,845	(88.9%)	10,559	(48.5%)
RI/MPJP	13,934	(30.1%)	2,708	(11.1%)	11,226	(51.5%)
TOTAL	46,338		24,553		21,785	

Table 9: Tasmania (2020)

SCHOOL AUTHORITY	ENROLMENT		PRIMARY		SECONDARY	
Diocesan	13,245	(88.1%)	7,142	(91.9%)	6,103	(85.3%)
RI/MPJP	1,797	(11.9%)	627	(8.1%)	1,170	(14.7%)
TOTAL	15,042		7,769		7,154	

Table 10: Western Australia (2020)

SCHOOL AUTHORITY	ENROLMENT		PRIMARY		SECONDARY	
Diocesan	60,987	(83.2%)	34,875	(95.2%)	26,112	(71.2%)
RI/MPJP	12,336	(16.8%)	1,769	(4.8%)	10,567	(28.8%)
TOTAL	73,323		36,644		36,679	

Table 11: ACT (2020)

SCHOOL AUTHORITY	ENROLMENT		PRIMARY		SECONDARY	
Diocesan	14,393	(79.2%)	8,747	(93.8%)	5,646	(63.8%)
RI/MPJP	3,785	(20.8%)	578	(6.2%)	3,207	(36.2%)
TOTAL	18,178		9,325		8,853	

Table 12: Northern Territory (2019)*

SCHOOL AUTHORITY	ENROLMENT		PRIMARY		SECONDARY	
Diocesan	4,765	(98.3%)	2,463	(100%)	2,302	(96.6%)
RI/MPJP	81	(1.7%)	-		81	(3.4%)
TOTAL	4846		2,463		2,383	

*In 2020 Total enrolment number of 4786

7. THE CURRENT SITUATION

The following description is predicated on an understanding of, and commitment to, mutual respect of all in the mission of Catholic education across Australia. A shared vision informed by a consistent ecclesiology is foundational to the flourishing of Catholic education in Australia. The following considerations are relevant in this context:

- There is an emerging misunderstanding about how both **canonical and civil governance requirements** can and should be exercised within a spirit of mutual respect whilst also meeting State and Commonwealth government compliance expectations. This lack of understanding can be manifest in various ways – the entities (RI, MPJP and Diocesan) and the contexts. It is pertinent to refer to Canons which inform these relationships. A recent paper from Mary Wright IBVM entitled *'The source and limits of diocesan authority over congregational schools: 806 Relationship between Bishops and Religious Institutes in the apostolate'*¹⁰ assists to inform this matter:

¹⁰ Mary Wright IBVM – unpublished paper 11 August 2017

The canonical principle is that each religious institute (including diocesan right institutes) and each ministerial PJP is autonomous, which means that they govern their own ministries, with autonomy over their internal governance, their finances and their properties. No religious institutes and ministerial PJPs are 'subject to the governance' of the diocesan Bishop (Ref. canon 1263). They are all governed by their own council or elected leadership.

On the other hand, it is also an important principle that apostolic action done in the name of the Church must be carried out in communion with the Church. Canon 678 is the central canon describing this balance between the autonomy of the religious and the authority of the Bishops. It makes clear that each authority must respect the other, and that their organisation of the works of the apostolate must proceed by way of mutual consultation...PJPs have the same relationship obligations to the diocesan Bishop in whose diocese they operate a ministry, as religious institutes do, namely respect, cooperation, compliance with his coordination policies and mutual consideration ... although the maintenance of good relationships and mutual respect would always be priority, the protection of the autonomy of a religious institute or PJP has been a strongly defended principle in the history of the Church and in current practice'. (cf canons 806; 1262 & 1263)

It is acknowledged that all parties have mutual obligations and that a shared understanding of mission and ecclesiology is foundational. It is proposed that this understanding would inform the formation of appropriate governance structures and processes.

- The **civil requirements** can vary from state to state and across territories. Therefore it is imperative for all Catholic governance bodies to be informed so that government bodies, with whom it is critical to cooperate, can also be informed and educated. These relationships are enshrined in the Australian Education Act (2013) and its subsequent amendment as cited below:

The [Australian Education Act 2013](#) (the Act) is the principal legislation for the provision of Australian Government funding to government and non-government schools. The Act commenced on 1 January 2014 and was last amended on 23 June 2017 to give effect to the Quality Schools package, with changes to funding arrangements commencing from 1 January 2018.

The Act was amended to support a funding model that is transparent, consistent and needs-based. The updated legislative framework will help guide a new national, collaborative approach to school reforms, based on clear objectives and targets for performance¹¹.

¹¹ <https://www.education.gov.au/australian-education-act-2013>

While the provision of education is primarily a state responsibility, the major funding source for recurrent funding for Catholic schools is the Commonwealth government. The State governments also contribute to Catholic education in varied percentages. Recent funding agreements contain strengthened accountability processes, especially in the area of student safety and wellbeing influenced strongly by the findings of the Royal Commission into Institutional Responses to Child Sexual Abuse.¹² This increased accountability and the political context of funding for 'independent' schools has led to increased scrutiny and compliance with statutory requirements at state and federal level. The requirement of the Act that schools relate to the Commonwealth through a 'non-government school representative body' has led to a variety of state and territory-based Catholic Education Commissions or similar bodies. The past two years has seen increased review of the function, constitution and composition of these representative bodies with some moving to incorporation. These developments in some of the representative bodies which were cited in Section 5, Table 1, have partly contributed to the misinterpretation or misunderstanding of the canonical rights of RI and MPJP School Authorities and the critical importance of their participation in the decision-making informing the mission of Catholic education.

- The **unequal participation of RI & MPJP entities** as members of Diocesan and State or Territory Commissions or Governing Bodies is a lost opportunity for Catholic education and diminishes the efficacy and capacity for mission and our self-understanding as Church.
- The increasing **formation of State-based RI and MPJP** entities which cooperate to engage in mission in a spirit of synodality, and which are committed to developing a formal relationship with State-based Catholic education representative bodies. This formal relationship only exists at national level (NCEC) and in Queensland at this time. (See Appendix 2 – List of State-based RI & MPJP entities).

8. PROPOSAL

It is established that RI and MPJP School Authorities in states and territories across Australia contribute significantly in founding and continuing to administer schools, attracting important enrolment percentages in the Catholic sector. RI and MPJP School Authorities are historically and currently, significant contributors to the mission of Catholic education.

At this critical period in the mission of the Catholic Church in Australia, it is important that all School Authorities are engaged optimally - bringing forth both history, insight and emerging new ways of participating in governance for mission. The desired situation is:

¹² <https://www.childabuseroyalcommission.gov.au/final-report>

8.1 Formal representation, participation and a voice at the table in state and territory-based Catholic System Authorities, confirmed in the Constitutions as exemplified in the Statutes of NCEC and the Constitution of the Queensland Catholic Education Commission.

8.2 Formally constituted co-responsible mission-focused partnerships and processes for dialogue between state and territory-based Catholic System Authorities (Commissions and incorporated bodies) and RI and MPJP School Authorities.

8.3 Structured processes of dialogue and discernment to move towards a mature integrated system of Catholic education characterised by subsidiarity and commitment to synodality – *‘synodality is a style, it is a walk together, and it is what the Lord expects from the Church of the third millennium’*¹³

CORMSAA proposes that these steps are critical in building stronger mission-focussed partnerships across all Catholic school authorities to ensure the flourishing and effectiveness of the Church’s mission in Catholic education. In progressing the processes of dialogue and discernment, CORMSAA is encouraging RI & MPJP School Authorities and State-based Associations, to engage with local education authorities to ensure the needs of each context are met.

¹³ Pope Francis (November 29, 2019) Address to the Congregation for the Doctrine of the Faith’s Theological Commission. Reported in Catholic News Agency (CNA).

References:

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McMullen, G and Oakley, P. (2020) *Ministerial PJPs Advancing Lay Leadership in the Australian Church* in Australasian Catholic Record (pp.450-459)

Pope Francis (Nov 29, 2019) *Address to the Congregation for the Doctrine of the Faith's Theological Commission*. Reported in Catholic News Agency (CNA), November 29, 2019

Pope John Paul II (2001) *Novo Millennio Ineunte* n. 1

Wright, M. (2017) *The Source and Limits of Diocesan Authority over Congregational Schools : 806 Relationship between Bishops and Religious Institute in the Apostolate* .Unpublished paper 11 August 2017

APPENDIX 1: CASE STUDIES

QUEENSLAND CASE STUDY A

An Historical perspective - the establishment of the Queensland Catholic Education Commission.

When people consider Catholic education it is common that most think that all Catholic Schools are administered by a “Catholic Education” central authority. Few would understand that Catholic education in Queensland consists of 22 autonomous authorities who own and operate Catholic schools. The model of Catholic schooling prior to the 1970’s saw Catholic schools run as a local activity largely staffed by religious orders. As government funding was sought to assist the expansion of Catholic schools it became evident that governments were used to dealing with peak bodies that acted on behalf of their constituents.

The need for a peak body prompted the Bishops of Queensland to “review and design their decision -making structures at a State level. In February, the Archdiocesan Catholic Education Council sensed “the need as great as it is urgent, of a Queensland Catholic Education Office, **representative of all five dioceses (and) of the religious orders...** On 8 June, 1973, The Queensland Catholic Education Commission was established. “ (Ryan, 2010, p.30-31.)

The core aim of the new Commission was to assist and support all Catholic schools throughout Queensland with due respect for the autonomy of the dioceses and religious orders. (Ryan, 2010, p35).

In June 1995 the Corporation of the Roman Catholic Bishops of Queensland [‘the Corporation’] was established under the Roman Catholic Church (Incorporation of Church Entities) Act 1994.

Today the Queensland Catholic Education Commission (QCEC) is the peak body representing the interests of Catholic education in Queensland. It has a State-wide strategic role, focused on coordinating and supporting Catholic education. Catholic schools in Queensland are administered by five diocesan school authorities and 17 authorities run by Religious Institutes/Public Juridic persons¹⁴ and other incorporated bodies. The Commission is led by an independent Chairperson. Membership is made up of:

1. One Independent Chair
2. QCEC Executive Director
3. One representative of the Bishops of Queensland,
4. Two representatives from each diocesan Catholic education council- one to be the Director

¹⁴ Public juridical persons (PJPs) in this document means public juridical persons who are not dioceses but which operate schools in Queensland. They include religious institutes who are PJPs by operation of the Canon Law itself and other PJPs erected (consistent with c.114§1 of the Code of Canon Law) by competent ecclesiastical authority (now commonly referred to as “ministerial PJP’s”)

5. One representative from Catholic School Parents Queensland
6. Two representatives of the public juridical persons

The Commission is supported by a Secretariat and draws on the wisdom and expertise from across the sector through a range of committees and other collaborative processes to inform its work.

The key functions delegated by the Bishops of Queensland and the leaders of Religious Institutes/ Public Juridic bodies and other incorporated bodies include:

1. Negotiating and distributing government funding to Catholic School Authorities
2. Advocating on behalf of the Catholic education sector
3. Liaising with State and Federal Governments, education partners and other peak bodies
4. Communicating and responding to State-wide issues
5. Providing advice on workplace relations matters, including leading enterprise bargaining on behalf of Catholic school employing authorities
6. Managing statistical, financial and educational data for the Catholic sector.

Table showing numbers of students in each Catholic School Authority. Supplied by QCEC August 2020

CSA	FTE	% of Total	Primary	Secondary
Archdiocese of Brisbane CEO	74,741.4	48.5%	48,422.6	26,318.8
Diocese of Cairns CES	11,413.4	7.4%	6,680.4	4,733.0
Diocese of Rockhampton CEO	16,856.8	10.9%	9,087.8	7,769.0
Diocese of Toowoomba CSO	9,161.0	5.9%	5,719.0	3,442.0
Diocese of Townsville CEO	12,670.8	8.2%	7,491.0	5,179.8
Edmund Rice Education Australia	12,438.5	8.1%	1,552.0	10,886.5
Religious Institute	16,725.0	10.9%	1,547.0	15,178.0
Total	154,006.9	100.0%	80,499.8	73,507.1

307 Catholic schools in Queensland are run by 22 Catholic schools Authorities.

QCEC has been a very successful model in Queensland with each Catholic Schooling Authority having their representation enshrined in the Constitution of the Queensland Catholic Education Commission. Agreement has been reached on major issues such as funding distribution in a collaborative and transparent process. Each CSA signs a Delegation of Authority to Queensland Catholic Education Commission.

NSW CASE STUDY B

In July 2014 Br Michael Green fms, in his update of the December 2013 paper *Getting Some 'Big Rocks' in Place*, commented that it had “become abundantly evident that there is a genuine and deeply motivated desire among most of those with canonical authority for Catholic Education in New South Wales - Bishops, Congregational Leaders, Trustees of the newer PJPs - as well as other bodies such as CEC, CCER and CEOs to look seriously and radically at the deep architecture that has evolved the Catholic education sector with a view to enhancing **cohesion, collaboration and co-responsibility.**”

The preceding four decades of Catholic Education in NSW marked the development of structures and relationships that transitioned from relatively independent stand-alone parish primary and regional secondary schools with no government funding in the 1960s to the development by 1986 of Catholic Education Offices in 11 Dioceses and RI and PJP schools co-ordinated under Catholic Education Commission NSW (CEC NSW) (2018 Br Kelvin Canavan fms *Development of a system of Catholic Schools in greater Sydney and the emergence of Catholic Education Offices: 1965-1985*).

The CEC was established by the Bishops of NSW in 1974, and was responsible to them for co-ordination and representation in Catholic Education in NSW and initially ACT at a State level, with no authority to become involved in the administration of any Diocesan system of schools or of individual schools, be they part of the system or schools of a Religious Institute. (from Catholic Archdiocese of Sydney website).

The Commission was constituted in 1974 with a 21 member representative structure including Bishops, all Diocesan Directors, representatives of Catholic Leaders of Religious Institutes (CLRI), principals and parent groups, and was the nominated authority for receiving government funding for redistribution to Diocesan systems and non-recurrent funding for redistribution to both systemic and congregational schools. There were a number of sub-committee such as Education Policy, Finance, Mission and Identity, Resources (names of committees to be confirmed) which had representatives from Diocesan schools and CLRI. These committees provided advice to the CEC on matters relevant to the individual committee's expertise.

Over the decades CEC NSW provided responses to policy development for various government bodies such as Initial Teacher Education Committee (ITEC), Quality Teaching Council (QTC), NSW Education Standards Authority (NESA), Board of Studies, Department of Education, State and Commonwealth Government enquiries on a range of topics including Funding, Curriculum reviews, Vocational Education and Training, Students with Special Needs, Rural and Remote Education and Child Protection. As such, the Commission provided a co-ordinated voice on behalf of Catholic School Agencies. CEC NSW also managed the Catholic Block Grant Authority, the mechanism to distribute government grants for capital funding.

The Commission continued to provide a point of cohesion and collaboration until mid-2018. At that time Catholic schools in NSW had 254,952 students in 598 schools across NSW. Following a period of review which commenced in 2013, and in response to significant trends towards increased transparency of decision making, improved governance, accountability and civil

compliance, a new structure was determined for Catholic systemic schools in NSW. The opportunity to review of the “deep architecture” referred to by Br Michael Green (2014) however focussed on the Diocesan system for schools. While some discussions occurred between Bishops and CLRI representatives the structure that evolved mandated Catholic Schools NSW Limited “to ensure compliance of his Diocesan school system in relation to Federal and State government funding and the legislative requirements and reporting against a range of efficiency and effectiveness indicators relating to the provision of Catholic Education” (Constitution Preamble, CSNSW July 2017).

Catholic Schools in NSW operate under either the auspices of one of the 11 Diocesan Catholic schools offices or one of the 20 religious institutes or ministerial public juridic persons. For the purposes of 11 Diocesan Schools offices, CSNSW Ltd has been established commencing in July 2018. For RI and mPJP schools the Federation of Religious Institutes and Ministerial PJP Catholic School Authorities in NSW and ACT Ltd has been established and launched in March 2018. During the time of the establishment of both entities and following discussions continued to develop a Memorandum of Understanding between the parties which is yet to be achieved.

From July 2018 Catholic Schools NSW (CSNSW) became the Approved System Authority for receiving and distributing State and Commonwealth funding, and set policy on compliance and audit issues relating to school funding accountability while providing a strong platform to support for each Diocese to engage in their mission work and promote the importance of Catholic Education through the State’s 545 systemic schools and foster and support collaborative ministry.

CSNSW company membership consists of the eleven Diocesan Archbishops and Bishops. The Company has established an eight to ten person Board of Directors with a range of relevant expertise, however Diocesan Financial Administrators or Diocesan Directors of Catholic School Agencies are not eligible to be Directors of CSNSW. The enterprise lead for CSNSW is a Chief Executive Officer.

Working Groups have been established in a similar manner to those of the predecessor CEC NSW, however the status of the work product of these committees is for advice rather than recommendation for approval. CSNSW contacted Diocesan Agencies for nominees for the working party, and approached the RI and mPJP Catholic schools directly, as well as the Federation of RI and MPJP School Authorities in NSW and ACT LTD. The Working Groups include Mission and Identity, Resource Effectiveness, Education Policy, Vocational Education and Training and ATSI. RI and PJP school representative participation in Working Groups is by grace and favour rather than any structural requirement.

“The Federation promotes and supports the interests of its members and their 45 schools within the Catholic education community and more broadly. It seeks to maintain mutually respectful relationships with the Bishops of NSW and ACT and a close working relationship with Catholic Schools NSW, facilitating services to, participation by and advocacy for the Federation’s members’ schools”

The Federation has established an Education Policy Committee to liaise with CSNSW on behalf of the 45 schools, as well as provide advice to AMPJP and CORMSAA and to contribute to the development and review of important issues in Catholic Education.

Federation member schools receive recurrent funding directly from government and can nominate either CSNSW or Association of Independent Schools (AIS) to be their Representative Body for the purposes of non-recurrent government/specific program funding, as per the AEA (2013) and their block grant authority (BGA). Many Federation schools pay membership fees to AIS even though most have nominated CSNSW as their Representative Body for specific program funding and BGA as they reportedly access HR advice and many other professional/learning services from AIS.

In practice the resources of CSNSW position the organisation as a significant advocate for Catholic Schools and, acting as the Approved System Authority, is identified as a first point of contact for educational enquiries or consultation in the State. Indeed, if the COVID-19 pandemic response is used as an example, RI and mPJP schools have relied on the proactive response of CSNSW in working with Department of Health, the Premier and relevant Ministers to ensure appropriate, effective and credible responses to the ever-shifting range of restrictions and Public Health Orders.

Reflecting on the need to review the architecture of Catholic Education in NSW it can be claimed that the emergence of CSNSW and the Federation encompass both ecclesial and civil principles within their structures, with a need to develop those principles between the two organisational structures to achieve “**cohesion, collaboration and co-responsibility.**”

APPENDIX 2: DESCRIPTION OF NATIONAL, STATE & TERRITORY-BASED RI & MPJP ENTITIES

NATIONAL

ENTITY TITLE: Committee of Religious Institute and Ministerial Public Juridic Person School Authorities Australia (CORMSAA)

CORMSAA replaces and builds on the legacy of Catholic Religious Australia’s Education Committee and was established in June 2020.

KEY PURPOSES:

- a) Focus on the Mission of Catholic Education;
- b) Promote the unique contribution of RI and MPJP education;
- c) Recommend a person to the AMPJP Council so that s/he can provide the Bishops Commission for Catholic Education with the information it needs to decide the RI and MPJP nominee on the NCEC;
- d) Provide the RI and MPJP nominee on the NCEC with issues, information and support as required;
- e) Communicate any issues/information/requests from the RI and MPJP nominee on the NCEC to relevant stakeholders; and
- f) Facilitate RI and MPJP School Authority communication and collaboration on issues that cannot be adequately dealt with through State/Territory bodies or the NCEC.

MEMBERSHIP PROFILE:

The membership of CORMSAA will, as much as possible, be balanced and diverse (RI/MPJP, geography, gender, race etc). Membership may comprise a maximum of eight people. The current membership in response to the Terms of Reference (2020) is:

Philomena Billington	Educationalist member - Chair
Marea Nicholson AM	Educationalist member – NCEC Nominee
Jeffrey Burn (CRMV)	From Victoria/Tasmania
Frank Malloy (Federation NSW)	From NSW/ACT
Dale Morrow (Mercy Partners)	From QLD
Brigette Sipa RSJ (Josephite Sisters)	From SA
Vacancy (in process)	From SA / WA
Lawrie Hallinan (AMPJP)	Ex-officio - Secretary

CORMSAA meets six (6) times per year and provides a written report to all RI & MPJP members following each meeting.

VICTORIA

STATE

Victoria

ENTITY TITLE

Catholic Religious Institute and Ministerial PJP Victorian Schools Ltd.
(CRMV)

KEY PURPOSE/S

Objects

- a) The Company is established for the purpose of advancing religion and Catholic education by promoting the Members' Catholic educational ministry in Victoria, including by:
- I. strengthening and promoting the Mission and the teaching ministry of Christ in Catholic schools operated by the Members to assist them in the articulation of their particular spirituality and charism;
 - II. acting as an advisory group to the Members in matters relating to the provision of Catholic education in Victoria;
 - III. operating at all times to support the unity of the Catholic school sector;
 - IV. facilitating and engaging in collaborative mutually respectful dialogue with Church Authorities in relation to Catholic education matters in Victoria;
 - V. recognising and respecting the role of the CECV Executive Director as the public spokesperson, providing the Members a voice on issues regarding Catholic education in Victoria;
 - VI. facilitating communication that supports and engages the schools that are the responsibility of the Members thus promoting dialogue relating to significant matters in Catholic education in Victoria;
 - VII. acting as a consultative forum for issues referred to it by the Members or Church Authorities concerning educational issues including funding arrangements and industrial agreements;
 - VIII. nominating persons to represent Members on various committees and working parties established by relevant Church Authorities to advance Catholic education in Victoria;
 - IX. keeping Members informed about developments of Catholic education in Victoria; and
 - X. promoting contemporary educational issues and providing an inclusive voice on public issues, thus making a contribution to society and the common good.
- b) The Company will operate at all times as part of the Mission of the Catholic Church in fidelity to the teachings and example of Christ and the teaching of the Catholic Church.

MEMBERSHIP PROFILE

Eligibility for Membership

The following persons who have canonical responsibility for a Catholic school or schools in Victoria are eligible to nominate an incorporated entity to be a Member of the Company:

- I. the Leader of any Religious Institute, or their representative;
- II. the Governing Authority of any Ministerial Public Juridic Person, or their representative; and
- III. the Governing Authority of any Association of Christ's Faithful, or their representative;

There are 20 members and 53 schools

COMMITTEES

Education – each Member is entitled up to two representatives (usually Executive Directors / Officers). The Chair of the CRMV Board chairs the meetings.

Governance – Meetings are hosted and chaired by one of the R.I/ MPJPs

The Board of Directors is: Peter Kelly (Chair), Julie Ryan (Deputy Chair), Jeffrey Burn, Julianna Drobik OP, Paul Ould

The Executive Officer (.2) is the Minutes secretary of the Board, and the two committees (above).

Schools are levied \$1 per student per annum.

NEW SOUTH WALES

STATE	New South Wales
ENTITY TITLE	Federation of Religious Institute and Ministerial PJP Catholic School Authorities in NSW and ACT

KEY PURPOSES

Religious institutes have long played an important role in the establishment and operation of Catholic schools in NSW and ACT. More recently, ministerial public juridic persons, or PJPs have been approved under Canon Law to ensure the continuation of the diverse traditions of religious institute schools. Families may benefit from religious institute and PJP schools, or schools operated by Catholic Dioceses, giving families choice in Catholic education.

Building on the work of the Conference of Leaders of Religious Institutes in NSW, the Federation of Religious Institute and Ministerial PJP Catholic School Authorities in NSW and ACT was launched on 15 March 2018. The Federation's members elect Councillors who are responsible for overall governance and the appointment of members to the Federation's Education Policy Committee, a group of senior educators who contribute to the development and review of important issues in Catholic education.

The Federation promotes and supports the interests of its members and their 45 schools within the Catholic education community and more broadly. It seeks to maintain mutually respectful relationships with the Bishops of NSW and ACT and a close working relationship with Catholic Schools NSW, facilitating services to, participation by and advocacy for the Federation’s members’ schools.

MEMBERSHIP PROFILE

Dr. Frank Malloy (Chair)	National Director – Marist Schools Australia
Kitty Guerin (Councillor & Secretary)	Chair – Brigidine College, St Ives Chair – St Lucy’s School
Marita Winters (Councillor & Treasurer)	Chief Executive Officer – Dominican Education Australia
Jane Comensoli (Councillor)	Executive Director - Good Samaritan Education
Kathy Freeman (Councillor)	Edmund Rice Education Australia - Council
Nicole Christensen (Councillor)	Principal, Monte Sant Angelo, North Sydney

COMMITTEES

Education Policy Committee

Terms of Reference

The Education Policy Committee is established by the Federation Council under whose authority it operates. The Committee will work on matters pertinent to Catholic education in NSW and ACT.

This Committee is

- the point of contact with the Chief Executive Officer and the staff of Catholic Schools NSW on behalf of the Federation;
- nominate and provide proactive support for the representatives on peak Catholic bodies e.g. CSNSW reference groups, CCER and CBGA committees;
- adopt an “issue” focus rather than a “reporting” focus;
- be an inclusive and balanced voice on public issues e.g. funding;

- promote important educational issues;
- liaise with any national Education bodies representing RIs and PJPs.

Membership

- The Committee is appointed by the Council of the Federation and is accountable to the Council.
- The Education Policy Committee will consist of a Chair, appointed by the Federation Council from the Councillors, and preferably at least five other members with appropriate skills and expertise.
- Preferably at least 50% of Committee members, including the Committee Chair, (or in the absence of the Committee Chair, another Councillor nominated by the Committee Chair), is required to form a quorum for the purposes of holding meetings of the Committee.
- Members will be appointed for a maximum of two years, with an opportunity for reappointment for further terms. A review of the membership will be held every two years to ensure effective continuity and succession planning.
- Membership of the Education Policy Committee is voluntary.
- Expenses related to fulfilling the tasks of the Committee will be met by the Federation.
- Committee members will possess the following skills and qualities:
 - I. Expertise and experience in education, a considerable understanding of the issues, and a State and national outlook;
 - II. Leadership skills and an ability to engage others in the work of education;
 - III. Excellent communication skills, a clear understanding of the mandate and a balanced perspective.

Committee Members

Kitty Guerin (Chair) Chair – Brigidine College, St Ives
 Chair – St Lucy’s School

Tony Fitzgerald Principal – St Mary Star of the Sea College, Wollongong

Jennie Hickey	Executive Officer – Jesuit Education Australia
John Kyle-Robinson	Regional Director – Marist Schools Australia (NSW & ACT)
Lee MacMaster	Principal – St Gregory’s College, Campbelltown
Sue Lennox	Principal – St Patrick’s College, Campbelltown
Prof. Marea Nicholson	Chair – Mount St Benedict College, Member of CORMSAA
Joe Zavone	Principal, St Edmund’s College, ACT
Stephen Dwyer	Principal, Red Bend College, Forbes
Vittoria Lavorato	Principal, St Patrick’s College, Strathfield

COMMITTEE STRUCTURE and OPERATING PROCEDURES

The Federation Education Policy Committee is supported by the Executive Officer of the Federation using communication via teleconferencing or other means allowing for:

- I. a voice in NSW/ACT for issues to be pursued;
- II. events to be planned and executed;
- III. education personnel to gather and collaborate at a local level;
- IV. information about issues to be provided to the Federation Council.

MEETINGS

The Education Policy Committee will meet at least four times per year, in person or by teleconference.

Reporting to the Federation Council

The Federation Executive Officer will provide secretariat support to the Committee.

The Federation Council will receive the minutes of each meeting of the Education Policy Committee.

QUEENSLAND

STATE Queensland

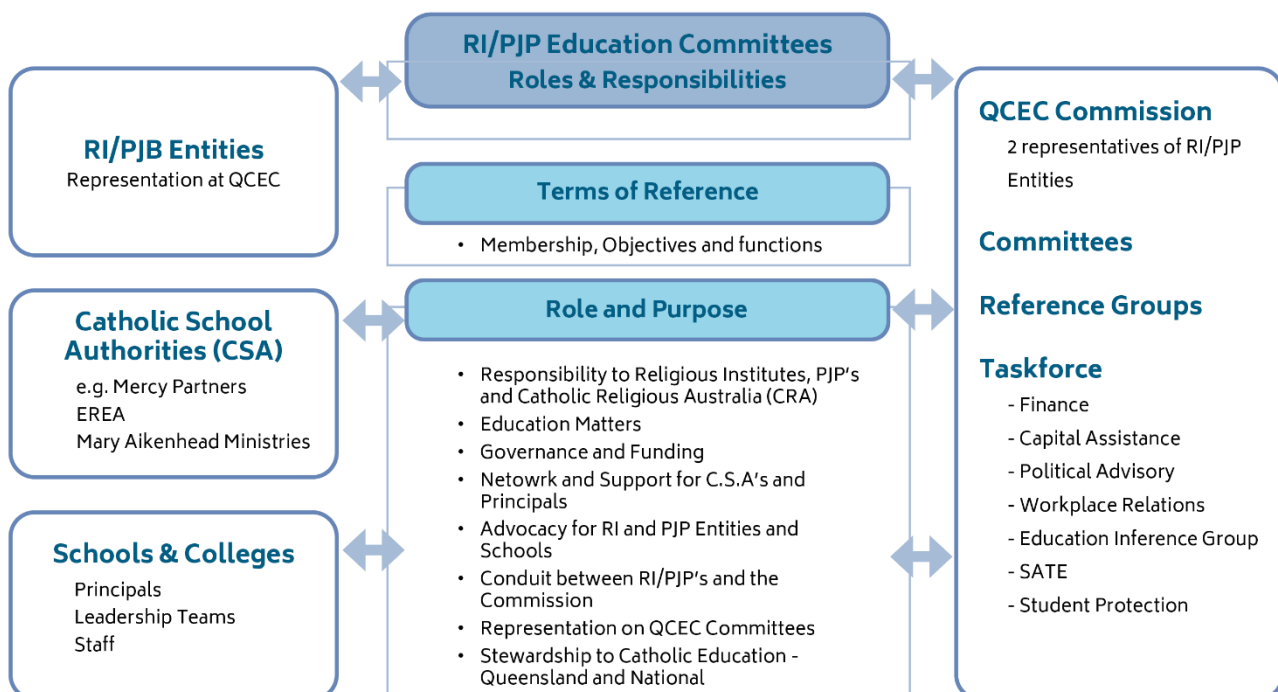
ENTITY TITLE Religious Institute & Ministerial Public Juridic Person Education Committee

KEY PURPOSES

- To represent the RI/PJP sector at the Commission level.

MEMBERSHIP PROFILE

The seventeen (17) RI/PJP entities across the State.



SOUTH AUSTRALIA

In South Australia the Religious Institutes and Ministerial PJPs do not meet as a group.

The formal gathering is through the South Australian Commission for Catholic Schools (SACCS) Chair who gathers the Trustees and Governors once a year to meet with the Commissioners.

WESTERN AUSTRALIA

At this stage an informal group of Ri and MPJP School Authorities meet as required in response to system and governance matters.