



in reply please quote:

CF12/0068

8 July 2016

Ms P Monument
Director Compliance
Australian Charities and Not for Profit Commission
GPO Box 5108
MELBOURNE VIC 3001

Dear Ms Monument

I refer to your letter dated 5 July 2016 expressing ACNC concerns that “the activities of CECV are not placing the Charity at risk of being found to have a disqualifying purpose and therefore affect the Charity’s entitlement to registration as a charity”. I presume that your third-person use of the definite article is a reference to Catholic Education Commission of Victoria Ltd (CECV).

CECV is an entity formed by the Catholic Bishops in Victoria to assist in meeting their responsibilities under the canon laws of the Roman Catholic Church in providing Catholic education in Catholic schools in Victoria and to ensure the proper governance of, and to provide leadership in, Catholic education across the State of Victoria.

The purposes for which CECV exists are stated in clause 3 of its Constitution, a copy of which is available on our website. In pursuit of these purposes, CECV is the approved authority under the *Australian Education Act 2013 (Cth)* for receipt and distribution of all government funding to the Catholic education system in Victoria (comprising of 492 schools). CECV also serves as a review body for the Victorian Registration and Qualifications Authority under the *Education and Training Reform Act 2006 (Vic)*. In these roles, amongst numerous other responsibilities and programs, CECV assists Victorian Catholic schools in meeting the compliance burden imposed by relevant laws and regulation. CECV also acts as a representative body to advocate and promote the interests of Catholic education with government and to ensure that a Catholic viewpoint is heard in policy debates within the public domain.

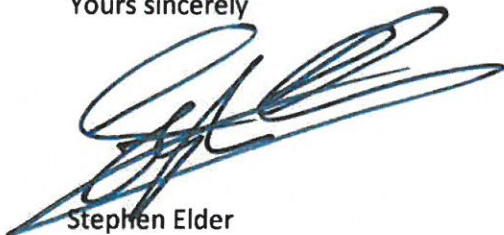
CECV is well aware of the guidance issued by the ACNC in relation to political campaigning and advocacy by registered charities, setting out the ACNC’s interpretation of section 11 of the *Charities Act 2013 (Cth)*. I note in your letter you quote section 11(b) of that Act which provides that “*the purpose of promoting or opposing a political party or a candidate for political office*” is such a disqualifying purpose. However, I also draw your attention to the drafting note/example to section 11(b) which states that such provision “*does not apply to the purpose of distributing information, or advancing debate, about the policies of political parties or candidates for political office (such as by assessing, critiquing, comparing or ranking those policies)*”. This is consistent with the acknowledgement on page 9 of the guidance you refer to that assessing, comparing or ranking policies of political parties, or candidates as part of carrying out charitable purpose is acceptable, as long as the material is related to the charity’s purpose.

The communication issued by CECV to Catholic schools is enclosed for your reference. CECV contends that the sole purpose of this document was the fostering of public debate about educational policies of the main political parties. Whilst this message to families made clear that CECV is concerned about the ramifications of Australian Greens' policies on the Catholic education system, it did not convey instructions on how electors should exercise their franchise rights at the ballot box. It was nothing more than a critical comparison of the various parties' policies on education and religious freedom. There can be no question that these topics are highly relevant to faith-based education and thus have direct bearing on the CECV's charitable purposes.

In any event, CECV is perplexed by the inference being made by the ACNC that a single letter, amongst the vast panoply of activities that CECV undertakes, might possibly be considered of sufficient substance to constitute a separate purpose. We are also dismayed by your failure to detail in your letter the particulars of any evidence you might have of a breach on the part of the CECV. Thus we hereby ask whether the ACNC is suggesting or alleging that CECV has engaged in activities that would constitute a disqualifying purpose. We are a charitable organisation with finite resources and would expect something more from our regulator than a fishing expedition predicated on hearsay derived from third party media reports before being asked to divert precious charitable resources to comply with your request.

In conclusion, CECV categorically rejects any suggestion it may have been acting in such a manner that might prejudice its eligibility for charitable status. I trust I have adequately clarified all possible concerns about the CECV's activities you may have developed on the basis of hearsay derived from third party media reports.

Yours sincerely



Stephen Elder
EXECUTIVE DIRECTOR

Enc.

in reply please quote:

23 June 2016

Federal Funding for Catholic schools

Dear parents and carers

Commonwealth funding is vitally important to the success of Catholic schools across the country. In Victoria, the Australian Government provides an average of 62 cents in every dollar spent on educating Catholic school students like your child.

This funding helps our schools provide an enriching curriculum that supports the development of every child's academic, physical, artistic, social and spiritual gifts at an affordable fee level. Commonwealth support is essential to ensure that Catholic schools are accessible to as many families as possible.

Importantly for your child, both the Liberal-National Coalition and the Australian Labor Party have committed to new funding arrangements for Australian schools. This support from both major parties signifies support for the work of our sector, and alleviates possible increases to your school fees.

Greens Party Policy

In contrast, the Australian Greens' position on Catholic school funding is highly problematic.

On one hand, the Greens have called for the introduction of the full Gonski package, saying that the funding model was 'based on the fairest way to distribute resources on the basis of need, so that Australian children can have the best possible education, regardless of their background'. By the very nature of the Gonski funding arrangements, this would result in additional funding for our schools.

Yet at the same time, the Greens' education policy asserts that that the growth of government funding for Catholic schools 'has had an adverse impact on public education'. In addition to using socioeconomic measures to determine funding for our schools, the Greens would consider both the resources of a school and the 'school's capacity to generate income from all other sources, including fees and other contributions.' Such a shift would adversely impact many Catholic schools and the potential flow-on effect to fees would undermine our ability to welcome disadvantaged students and their families into our educational community.

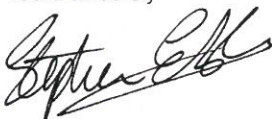
The Greens also seek to abolish our ability to hire staff on religious grounds, declaring that the laws that currently provide our schools with that protection 'should be eliminated'. Their education policy explicitly applies this proposal by linking government funding for Catholic schools to 'non-discrimination in the hiring of staff'.

Our schools are faith and values-based – our Catholic traditions and ethos are at the very heart of everything we do. The Greens' proposal would seek to undermine our ability to operate as a Catholic system. At its worst, principals and school leaders would be forced to employ staff who could be openly critical of our faith, and be able to express those opinions in our schools.

This Greens policy proposal is an affront to the religious liberties currently exercised by the Church and our schools. It is an affront to the reason why you chose a Catholic education in the first place.

There is a real chance at this election that the Greens could hold the balance of power in the Australian Parliament, which could put the commitments from the major parties at risk. When you balance what's really important to you at the ballot box, please remember that both Labor and the Liberals are committed to secure and ongoing funding for local Catholic schools like yours.

Yours sincerely



Stephen Elder
Executive Director, Catholic Education Commission of Victoria Ltd

