

**Senate Standing Committee on Education Employment and Workplace  
Relations**

**QUESTIONS ON NOTICE  
Additional Estimates 2010-2011**

**Outcome 2 - Schools**

**DEEWR Question No.EW0867\_11**

**Senator Mason asked on 24/02/2011, Hansard page 38.**

**Question**

**LEGAL LIABILITY FOR SCHOOL CHAPLAINS**

CHAIR—What is the legal liability on the Commonwealth for the work of the chaplains? Is there any? For example, if a student went to a counsellor with some serious mental health problems and the advice that they were given was, 'Pray', with no further action or support, would that leave the Commonwealth liable for negligence? Ms Paul—I am not sure of the technical answer to that, actually; I would probably want to take it on notice.

**Answer**

Under the National Schools Chaplaincy Program the Commonwealth provides funds to Funding Recipients to engage Chaplains. These Funding Recipients are then responsible for overseeing delivery of chaplaincy services within a school, employing chaplains and are responsible for meeting the reporting requirements of the funding agreements, guidelines and code of conduct.

Chaplains are not engaged directly by the Commonwealth and are not employees or agents of the Commonwealth.