

A Legal Education ‘Born from the Heart of the Church’: Reflections of a Catholic Law School Dean

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This paper is in part a personal reflection from the author’s leadership of the law school at Notre Dame Australia. The paper provides a very brief history of the institution and an introduction to the official Vatican guidance for Catholic Universities, Ex Corde Ecclesiae. This paper seeks to consider the particular role of religious faith-based institutions of higher learning in Australia and to develop some understanding of the nature of Catholic universities. It also seeks to differentiate the approach of a Catholic law school from the criticisms made of Australian universities – including some law schools – for allegedly straying into ideology which have appeared in the legacy media this year. It considers the benefits of faith-based institutions for staff and for students. It also considers the special obligations and duties of members of the Catholic faith tradition, working within Catholic universities, and some of the very particular challenges and issues that arise for those in leadership roles in such institutions.

INTRODUCTION

‘You will shine in the world like bright stars because you are offering it the word of life.’¹

This paper considers my experiences of studying, teaching, researching, and exercising leadership roles over 14 years at a religious faith-based Australian university: The University of Notre Dame Australia (‘Notre Dame’). The paper contains my reflection on that experience and on the value of religious faith-based, and specifically Catholic, legal education more generally.

The paper covers my completion of a *Master of Arts (Theological Studies)* and my 12 years in School leadership from 2013 until my retirement in December 2024. I served for eight years as the Dean of Law of Notre Dame’s School of Law in Sydney. I then served for four years as the inaugural National Head of School of Law and Business following the merger of what had been separate Schools of Law and of Business on the Sydney campus and on the Fremantle Campus to form one new combined and national School.

This paper is in part a personal reflection — and it begins with a brief discussion of my road to Notre Dame for that reason — but it seeks to be more than that. After discussing my journey to Notre Dame, the paper provides a very brief history of Notre Dame and an introduction to the official Vatican guidance for Catholic Universities, *Ex Corde Ecclesiae*.² This paper seeks to consider the particular role of religious faith-based institutions of higher learning in Australia

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¹ Philippians 2:15–16 (New Jerusalem Bible).

² Pope John Paul II, *Ex Corde Ecclesiae: Apostolic Constitution of the Supreme Pontiff John Paul II on Catholic Universities* (Apostolic Constitution On Catholic Universities, Dicastery of Communication Vatican, 15 August 1990) <https://www.vatican.va/content/john-paul-ii/en/apost_constitutions/documents/hf_jp-ii_apc_15081990_ex-corde-ecclesiae.html> (‘*Ex Corde Ecclesiae*’).

and to develop some understanding of the nature of Catholic universities. It also seeks to differentiate the approach of a Catholic law school from the criticisms made of Australian universities — including some law schools — for allegedly straying into ideology which have appeared in the legacy media, this year.³ It considers the benefits of faith-based institutions for staff and for students. It also considers the special obligations and duties of members of the Catholic faith tradition, working within Catholic universities, and some of the very particular challenges and issues that arise for those in leadership roles in such institutions. The paper aims to encourage both academics and students to take up these opportunities and challenges.

I. DIVINE PROVIDENCE AND MY ROAD TO NOTRE DAME

I have met some people who have always had a clear idea of their future career and of the direction of their life. I am not one of those people. I have met other people whose lives align more closely with John Lennon's famous line, 'Life is what happens to you while you're busy making other plans'.⁴ I have sympathy with that view, but it fails to provide sufficiently for choice and for divine providence.⁵ The *Catechism of the Catholic Church* puts it this way:

God is the sovereign master of his plan. But to carry it out he also makes sure of his creatures' cooperation. This use is not a sign of weakness, but rather a token of almighty God's greatness and goodness. For God grants his creatures not only their existence, but also the dignity of acting on their own, of being causes and principles for each other, and thus cooperating in the accomplishment of his plan.⁶

Readers can decide whether it was divine providence or just a large number of coincidences which led me to Notre Dame. I undertook my schooling in Strathfield with the Dominican nuns at St Martha's Parish School and with the Christian Brothers at St Patrick's College. I completed the Higher School Certificate ('HSC') in 1982. At the time, I was interested in English literature, modern history, and playing music.⁷ As it happened, my HSC results were sufficient to attract an offer to study, not only a *Bachelor of Arts* but also a *Bachelor of Laws*, at the University of New South Wales from which I graduated in 1989. My university results were strong enough for me to gain graduate employment as a solicitor with a large corporate and commercial law firm in 1989 and I worked there until I left to join Notre Dame in 2013.

³ See, eg, Joanna Panagopoulos, 'Uni Law School Acknowledges Course "Hijack"', *Weekend Australian* (Sydney, 22–23 March 2024) 3; Janet Albrechtsen, 'Degrees Depend on Woke Ideology' *Inquirer, The Australian*, (Sydney, 22–23 March 2025) 18; Andrew Lynch, "'Black-letter" Law Alone Doesn't Make for Good Lawyers', *The Australian* (online, 26 March 2025); Noah Yim, 'Dean for the Defence of Law School', *The Australian* (online, 26 March 2025); The Editor, 'Law School Courses Should Not Stray into Ideology', *The Australian* (online, 26 March 2025) 20; Henry Ergas, 'Role of Law Schools is to Teach, Not Preach', *The Australian* (Sydney, 28 March 2025) 13; James Allan, 'Self-censorship a Common Theme on DEI Campuses', *The Australian* (online, 31 March 2025); Natasha Bitá and Noah Lim, 'Coalition Starts Wars on "Woke" Education', *The Australian* (online, April 2 2025); Natasha Bitá, 'No Woke Syllabus for Us: Schools', *The Australian* (Sydney, April 3 2025) 1, 7; Janet Albrechtsen and Noah Yim, 'Lecturer's Indigenous Warning to Students', *The Australian* (Sydney, April 7 2025) 1; Janet Albrechtsen and Noah Yim, 'Lecturer Lays Down the Law on Race', *The Australian* (Sydney, 7 April 2025) 2.

⁴ John Lennon, 'Beautiful Boy (Darling Boy)', *Double Fantasy* (Geffen Records, November 1980) Side A track 7.

⁵ See Matthew 6:25–35 (New Jerusalem Bible).

⁶ *Catechism of the Catholic Church*, Catholic Church (online, 1993) Pt 1 s 2 Ch 1 art 1 para 4 [306] <https://www.vatican.va/archive/ENG0015/_INDEX.HTM>.

⁷ I sang in a psychedelic band ('Prince Vlad & the Gargoyle Impalers') at school and for some time afterwards and subsequently sang and played guitar in the moderately successful independent pop band, 'The Mexican Spitfires'.

My first experience of working as a lawyer was six months in Property Law, after which I moved to the Commercial Litigation and Dispute Resolution area, where I stayed. I enjoyed studying law and, after joining the profession, completed a *Master of Laws* part-time at the University of New South Wales. I also enjoyed working as a solicitor. I was appointed as a Senior Associate of the firm in 1993 and invited to join the partnership in 1998. I would have happily continued in that role until retirement, but I became disenchanted with the direction of the firm following a decision of the firm's Pro Bono Committee (of which I had been a long-term member) to support an enterprise which engaged in practices contrary to my religious beliefs.

At about the same time, I began a spiritual journey to better understand my religious faith (I am a cradle Catholic) following the death of both of my parents within a year. I was particularly troubled by my inability to satisfactorily respond to a theological question, posed to me by my deeply religious father, when he was close to death. On that journey, I read many works of apologetics and theology and I read myself into a much deeper Catholic faith. At this time, my brother-in-law suggested that I might join him in enrolling part-time in a *Master of Arts (Theological Studies)* at Notre Dame. Although my brother-in-law did not ultimately commence that degree, I took up his suggestion and completed the degree, with High Distinction, in 2012.

I studied at Notre Dame not with any clear objective other than self-edification. Soon after completing my studies, I overheard a conversation at a St Thomas More Society meeting which alerted me to the fact that Notre Dame was looking to appoint a new Dean of the School of Law in Sydney. I applied for and was the successful candidate for the role, and commenced as the Sydney Dean of Law in 2013. At that time, Notre Dame was structured around its Schools with separate Schools of Law (and of Business, Philosophy & Theology, and other disciplines) on the Sydney campus and on the Fremantle Campus--with each School, on each campus, led by their own Dean. In 2020, following a restructure, Notre Dame merged the Fremantle and Sydney Schools of Law with the Schools of Business on those two campuses, to form a new national School of Law and Business. The new School formed part of the new Faculty of Arts, Sciences, Law and Business. I was appointed the inaugural National Head of School of Law and Business and held that role until I retired in December, 2024. Prior to studying and then working at Notre Dame, my tertiary studies had been solely at a public university. I had worked in the law as described above and, prior to that in the New South Wales public service, but I had never worked in a faith-based institution. I found studying and working at Notre Dame to be a great liberation which gave me the opportunity to be fully myself in study and in the workplace.

II. NOTRE DAME AUSTRALIA AND THE CATHOLIC INTELLECTUAL TRADITION

Notre Dame

Notre Dame was established in 1989 by an act of the Western Australian parliament.⁸ Section 5 of that founding legislation sets out Notre Dame's Objects as follows:

The objects of the University are —

⁸ *University of Notre Dame Australia Act 1989* (WA).

- (a) the provision of university education, within a context of Catholic faith and values; and
- (b) the provision of an excellent standard of —
 - (i) teaching, scholarship and research;
 - (ii) training for the professions; and
 - (iii) pastoral care for its students.⁹

The University's website also sets out a vision as follows:

We believe the role of a modern Catholic university is much more than the creation and transmission of knowledge. It's something much deeper.

Our students are our number one priority. We take great pride in educating the whole person, the academic, social, physical and spiritual dimensions and are deeply committed to supporting our students. In doing so, we encourage our students to thrive, and make important contributions to our communities.

We also encourage and support our staff in the same way — to ensure each them are not just employees of Notre Dame, but are part of a wider community with the opportunity to make a difference.¹⁰

Unusually for a Catholic university, Notre Dame was established by lay Catholics rather than by a religious order. It accepted its first students in 1992, on the Fremantle campus, and subsequently established a Broome campus in Western Australia's Kimberley region, a Sydney campus in New South Wales, and eight clinical schools in regional New South Wales and Victoria. Around 12,000 students now study across its campuses.¹¹ The University offers undergraduate and postgraduate programs in Law, Business, Philosophy, Theology, Education, Medicine, Nursing and Midwifery, Health Sciences, and Physiotherapy.¹² Law degrees are available on the Sydney and Fremantle campuses and a total of about 100 new law students enrol in coursework degrees at each of the campuses each year.¹³

Notre Dame is not a sectarian university and welcomes students and staff from a wide range of religious traditions (and of none), cultures, and backgrounds. Whilst some students choose to study at Notre Dame specifically because they adhere to the Catholic religious tradition, students are attracted to study at Notre Dame for a wide range of reasons. These include relatively small class sizes, the focus on training for the legal, accounting, or other profession, the focus on pastoral care, and prior favourable experience of learning at a Catholic school. Whilst the Catholic nature of the University is clear from the University's Vision and Objects, the University's website features a 'Why Choose Notre Dame?' section which does not even

⁹*Our Objects*, The University of Notre Dame Australia (2025) <<https://www.notredame.edu.au/about-us/vision-and-objects>>.

¹⁰*Our Visions*, University of Notre Dame Australia (2025) <<https://www.notredame.edu.au/about-us/vision-and-objects>>.

¹¹*Our Objects*, University of Notre Dame Australia (2025) <<https://www.notredame.edu.au/about-us/vision-and-objects>>.

¹² University of Notre Dame Australia, 'Find an Undergraduate Program. Explore Programs by Study Area' (Web Page, 2025) <<https://www.notredame.edu.au/study/our-programs/undergraduate>>; University of Notre Dame Australia, 'Find an Postgraduate Program. Explore Programs by Study Area' (Web Page, 2025) <<https://www.notredame.edu.au/study/our-programs/postgraduate>>.

¹³ *Bachelor of Laws*, *Bachelor of Laws (Graduate entry)*, *Bachelor of Laws* double degrees and *Master of Laws*.

include a heading in answer to that question specifically referencing Catholicism, Christianity, or religion. Rather, it provides answers to that question under the following headings: ‘Ethical and Critical Thinking’, ‘Professional Experience’, ‘Our Distinctive Approach’, ‘It’s Personal’, ‘Graduate Job-ready’, and ‘A Global Perspective’.¹⁴

Just as there are a range of attractive forces which lead students to choose to study at Notre Dame, there are a variety of characteristics which attract staff to work at Notre Dame. Many staff are attracted to Notre Dame because it is a Catholic university — whether they are serious followers of the Catholic faith tradition, serious followers of other Christian or other religious faiths, or not particularly religious at all. Some staff are attracted to work at Notre Dame because it is an openly religious environment which, whilst unambiguously Catholic, is respectful of all religion. Different aspects of the Catholic nature of the University and the School appeal to different staff. All staff share a particular care for each student as a person with inherent human dignity as found in the focus on pastoral care in the Objects. All staff share a respect for the beliefs of each student and of each other — religious and otherwise — and perspectives formed by those beliefs are openly discussed in class. Among other perspectives, students are exposed to Catholic positions on issues where they are relevant in a course.

The Relationship Between Faith and Reason in the Catholic Intellectual Tradition

This year, the Australian media has criticised a number of Australian universities for an alleged tendency towards politicisation and indoctrination rather than impartiality and objectivity in education.¹⁵ For example, Ergas, whilst accepting that law students should learn the law in context, expressed concern that:

It is, however, one thing to explore the social context and impact of the legal system; it is quite another to allow teaching to degenerate into preaching, imposing the lecturer’s conception of social justice on students who have little choice but to acquiesce.¹⁶

Whilst none of this media attention has been directed towards religious faith-based universities, some might consider that a Catholic university, like Notre Dame, might legitimately be criticised on a similar basis. From my experience, such a critique would be ill-founded as, far from indoctrination or preaching, Notre Dame and certainly the Schools which I led, were dedicated to excellence and to searching for the truth. To understand what this means, in a Catholic context, it is necessary to briefly discuss the relationship between faith and reason in the Catholic intellectual tradition. In essence, the Catholic intellectual tradition sees no conflict between faith and reason because there can only be one truth. In this tradition, if faith and science, or faith and reason, were delivering irreconcilably different outcomes, this would evidence a lack of understanding requiring more thought, discussion, and understanding in order to find the truth. There are two key passages of scripture which guide my thinking on this and which guided me in my roles at Notre Dame: Matthew 22:35–37 and 1 Thessalonians 5:21.¹⁷

¹⁴ University of Notre Dame Australia, ‘Why Choose Notre Dame?’ (Web Page, 2025) <<https://www.notredame.edu.au/study/why-unda>>.

¹⁵ See above n 3, all sources.

¹⁶ Ergas (n 3) 13.

¹⁷ Matthew 22: 35–37; 1 Thessalonians 5:21 (New Jerusalem Bible) (emphasis added).

Master, which is the greatest commandment of the Law? Jesus said to him, ‘You must love the Lord your God with all your heart, with all your soul, *and with all your mind*. This is the greatest and the first commandment.

[T]est everything and hold on to what is good.

What these passages evidence, is that reason is not at all antithetical to religious faith and that it is right to test propositions to discern the truth. The *Catechism of the Catholic Church* puts it this way:

Though faith is above reason, there can never be any real discrepancy between faith and reason. Since the same God who reveals mysteries and infuses faith has bestowed the light of reason on the human mind, God cannot deny himself nor can truth ever contradict truth. Consequently, methodological research in all branches of knowledge, provided it is carried out in a truly scientific manner and does not override moral laws, can never conflict with the faith, because the things of the world and the things of faith derive from the same God.¹⁸

As a result, I have always encouraged students and colleagues to debate and engage in dialogue on issues at Notre Dame with the objective always of searching for the truth. As a result, students with a religious tradition (whatever that tradition might be if they hold to one), are not discouraged from mentioning or discussing it alongside other approaches in the classroom where it is relevant. Whilst this may appear counter-intuitive, because the University is unapologetically Catholic, it is open to multiple perspectives.

Douglas Murray has recently — and accurately — observed:

Many people in the West today are not comfortable talking in terms like *good* or *evil*. In our increasingly secular societies, many people seem to think that such words are part of the past — too reductive an idea for our far more subtle and understanding times. But it seems to me that it is we who are missing something. Evil does exist as a force in the world. Indeed, it is the only explanation for why certain people do certain things. ... At the same time it seems to me that such as force as ‘good’ also exists in the world. ... The fight between good and evil may seem too Manichean for some. Yet it is they — in their search for endless subtlety and limitless understanding — who are actually missing out on one of the greatest divides of all.¹⁹

Notre Dame law students are not able to ignore questions of good and evil. Beginning in first semester first year, Notre Dame law students are expected to grapple with the meaning of law, to consider what makes a ‘good’ law and a ‘good’ lawyer, and indeed discuss and debate the existence of concepts such as truth, good, and evil. They return to these topics in their final year in *Legal Philosophy*. These are all matters which are most unlikely to be the subject of such rich and broad discussion at other Australian law schools. In my view, they are critical topics for inclusion in the curriculum of any law school but most particularly for a Catholic

¹⁸ *Catechism of the Catholic Church* (n 6) Pt1 s1 Ch3 art1 III [159] (citations omitted).

¹⁹ Douglas Murray, *On Democracies and Death Cults: Israel, Hamas and the Future of the West* (Harper Collins, 2025) xxiii- xxiv.

law school. At Notre Dame, the Christian origins and influences on the common law and Australia's legal system, on human rights law, and on legal philosophy and Christian moral positions form part of the curriculum. Over the course of a law degree and in context, Notre Dame law students should be exposed to the Catholic intellectual tradition's position on controversial subjects such as marriage, euthanasia, abortion, religious confession, modern slavery, and human trafficking consistently with the official teaching of the Church. The objective is to present those positions and contrary positions clearly to facilitate conversation in which critique, debate, and discussion is welcome and encouraged. No part of the approach is indoctrination or clamping down on contrary views.

Those discussions were sometimes very challenging particularly at times when Commonwealth or State laws governing those issues were the subject of reforms which moved them away from alignment with the Catholic faith tradition. Marking of assessment work where such topics were relevant was not a question of alignment with Church teaching but with careful, rational, and clear reasoning based on referenced readings. Indeed, in my experience of marking student work over the eight years in which I taught *Legal Process & Statutory Interpretation* three times a year, papers which took positions contrary to my own and to those of the Church almost always attracted the highest marks. It may be that those students put more work into such papers given their knowledge of my own position.

Servant Leadership and Student Engagement

Scripture not only provided guidance to me on how students ought to be taught at Notre Dame but also as to my role in leadership and in student engagement. The two most influential passages were Mark 10:42–45 and John 13:34–35 which again I extract below:

You know that among the gentiles those they call their rulers lord it over them, and their great men make their authority felt. Among you this is not to happen. No; anyone who wants to become great among you must be your servant, and anyone who wants to be first among you must be slave to all.²⁰

I give you a new commandment: love one another just as I have loved you. It is by your love for one another, that everyone will recognise you as my disciples.²¹

As a Dean of the School of Law, Sydney (2013–2020) and as a National Head of the School of Law and Business (2020–2024) I was responsible for such things as staff performance reviews, approval of leave, decisions on student applications for relief, and student discipline. As many staff and students with whom I interacted came from different (or no) religious traditions or had little formation in any religious tradition, the motivations for my actions may not always have been understood and may (I am sure) have been interpreted as signs of weakness at times. I am also sure that I did not always abide by those scriptural calls as perfectly as I might have hoped. Nevertheless, at least I endeavoured to exercise my leadership, administrative, and other roles in this way. This certainly did not mean that everyone agreed with my decisions or that I did not seek to comport my determinations to the policies and procedures of the University, which I did, but it did mean that, for example in disciplinary matters, students could expect a fair hearing and a serious effort to achieve just outcomes.

²⁰ Mark 10:42–45 (New Jerusalem Bible).

²¹ John 13:34–35 (New Jerusalem Bible).

Vatican Guidance for Catholic Universities

Papal encyclicals take their titles from the first few words of their text written in Latin. The opening words of the key Vatican document for Catholic universities are '[b]orn from the heart of the Church' or *Ex Corde Ecclesiae*. Those words indicate very clearly just how important the author of that document, Pope John Paul II, considered Catholic universities were. When it was first published, *Ex Corde Ecclesiae* was controversial, challenging, and even threatening for some Catholic universities.²² It was particularly so for those universities which had been operating for a long time and had developed habits or behaviours which did not readily align with the prescriptions of the document. For example, the obligations imposed by *Ex Corde Ecclesiae* did not fit well with the statement agreed in 1967 by US Catholic academic leaders in Land O'Lakes, Wisconsin, which became known as the 'Land O'Lakes Statement'. It stated:

To perform its teaching and research function effectively, the Catholic university must have a true autonomy and academic freedom in the face of authority of whatever kind, lay or clerical, external to the academic community.²³

Writing in 2022 and speaking of the situation, in the United States, Hendershott observed that:

As we approach the 20th anniversary of what was supposed to be the implementation of *Ex Corde Ecclesiae*, there still are very few Catholic college administrators willing to even discuss the document. And even fewer bishops willing to enforce it. Refusing to comply with the document's *mandatum* requiring all Catholic colleges to teach 'in communion' with Church doctrine — and be accountable to their bishops — most Catholic college and university administrators have spent the past few decades to ignoring it [M]ost Catholic college faculty and administrators continue to resist any attempt by the bishops to 'interfere' with the activities on their campuses — even when those activities are blatant violations of Catholic moral teachings.²⁴

The timing of the release of *Ex Corde Ecclesiae* was close to Notre Dame's founding, to the commencement of its operations in Fremantle, and well before it established a campus in Sydney. Whatever the position adopted by some Catholic universities and their administrators in the US, along with Notre Dame's Objects and the passages of scripture referenced earlier, *Ex Corde Ecclesiae* was the key document which guided me in my time at Notre Dame. I regularly referenced it in my dealings with the University's administrative and academic leadership, with academic staff, and students. I heard not one criticism of its dictates or my references to it, during my studies of theology there in 2011 to 2012 or in my years working there from 2013 to 2024.

²² Anne Hendershott, 'Catholic Universities and Colleges Continue to Ignore *Ex Corde Ecclesiae*', *Catholic World Report* (Web Page, 17 March 2022) <<https://www.catholicworldreport.com/2022/03/17/catholic-universities-and-colleges-continue-to-ignore-ex-corde-ecclesiae/>>.

²³ North American Group, International Federation of Catholic Universities, 'Land O'Lakes Statement: The Idea of the Catholic University' *Cushwa Center* (23 July 1967) 6 [1] <<https://cushwa.nd.edu/assets/245340/landolakesstatement.pdf>>.

²⁴ Hendershott (n 22).

III. THE ROLE OF FAITH-BASED INSTITUTIONS OF HIGHER LEARNING IN AUSTRALIA

There are currently 43 universities in Australia comprising 37 public universities and 6 private universities.²⁵ Only two of those 43 universities are Catholic: Notre Dame and the Australian Catholic University ('ACU'). They provide students with an option to pursue their university studies in a different context, each with their own particular Mission or Objects.²⁶

Ex Corde Ecclesiae is a rich and dense work which has implications for many dimensions of everyday life in a Catholic university which seeks to orient its activities to its demands. These are not just in big and obvious areas such as rejecting relativism in favour of a search for the truth, including the Truth, the promotion of religious freedom and inter-religious dialogue and in making space for discussion and research, including in areas which might offend the moral zeitgeist, but they extend into more mundane and operational areas such as decision making in student applications and content and methods of teaching and modes of delivery. *Ex Corde Ecclesiae* makes real demands on all staff working in a Catholic university but makes very particular demands on Catholic staff. As a Catholic myself and one who took *Ex Corde Ecclesiae* seriously — as a teacher, researcher, and administrator — it added serious obligation to my roles. Because *Ex Corde Ecclesiae* is so central to my approach to the roles that I performed at Notre Dame, and so central to the activities of an authentically Catholic university, this section will, of necessity, include a number of sometimes lengthy quotations from that document.

Ex Corde Ecclesiae and non-Catholic Staff

Ex Corde Ecclesiae requires all staff to be informed of the university's Catholic identity and that they have a responsibility to promote or at least respect that identity. For this reason, when I was recruiting staff, I always sent them a link to *Ex Corde Ecclesiae* — and to the University's Objects — so that they might become familiar with them before interview. This is critical because they create quite different obligations and expectations than public universities — and *Ex Corde Ecclesiae* requires more of Christian staff than others. *Ex Corde Ecclesiae* relevantly provides:

All teachers and all administrators, at the time of their appointment, are to be informed about the Catholic identity of the Institution and its implications, and about their responsibility to promote, or at least to respect, that identity.²⁷

Those university teachers and administrators who belong to other Churches, ecclesial communities, or religions, as well as those who profess no religious belief, and also all students, are to recognise and respect the distinctive Catholic identity of the University. In order not to endanger the Catholic identity of the University or Institute of Higher Studies, the number of non-Catholic teachers should not be

²⁵ Australian Trade and Investment Commission, 'Study Australia List of Australian Universities' *Study Australia* (Web Page, 2025) <<https://www.studyaustralia.gov.au/en/plan-your-studies/list-of-australian-universities>>.

²⁶ *Our Mission*, Australian Catholic University (2025) <<https://www.acu.edu.au/about-acu/mission-identity-and-values/our-mission>>;

Vision and Objects, University of Notre Dame (2025) <<https://www.notredame.edu.au/about-us/vision-and-objects>>.

²⁷ *Ex Corde Ecclesiae* (n 2) art 4 §2.

allowed to constitute a majority within the Institution, which is and must remain Catholic.²⁸

Christians among the teachers are called to be witnesses and educators of authentic Christian life, which evidences attained integration between faith and life, and between professional competence and Christian wisdom. All teachers are to be inspired by academic ideals and by the principles of an authentically human life.²⁹

I also provided candidates who were short-listed for interview in the School with a link to the relevant chapter of Piderit and Morey's *Teaching the Tradition: Catholic Themes in Academic Disciplines*.³⁰ I would expect that some self-selection would be occurring through this process with potential staff who were hostile to the Catholic Church choosing not to apply to work at a University obligated by its legislative frame to provide a 'university education, within a context of Catholic faith and values'. In my time at Notre Dame no staff ever expressed any concern to me about such features of the School or of the demands that *Ex Corde Ecclesiae* placed on them. On the contrary, staff spoke positively about the religious context of the University and most particularly my colleagues from the Muslim faith traditions. I witnessed staff deeply committed to their religious tradition and to the pastoral care of their students. It is, of course, always possible that there were some staff who were secretly unhappy about aspects of School life under my leadership, such as staff meetings commencing with a brief scripture reading and a prayer, with the annual School Prizegiving commencing with a Catholic mass, with the School's commitment to religious freedom evident through its Annual Religious Liberty lecture, regular Religious Liberty Conference, Annual Iftar dinner, and/or generally with the Catholic nature of the place. If so, they chose to keep those feelings to themselves.

Ex Corde Ecclesiae and Catholic Staff

Ex Corde Ecclesiae requires more of Catholic staff than other staff as it requires Catholic staff to be faithful to Catholic doctrine and morality in their work:

In ways appropriate to the different academic disciplines, all Catholic teachers are to be faithful to, and all other teachers are to respect, Catholic doctrine and morals in their research and teaching. In particular, Catholic theologians, aware that they fulfil a mandate received from the Church, are to be faithful to the Magisterium of the Church as the authentic interpreter of Sacred Scripture and Sacred Tradition.³¹

As a faithful Catholic this did not pose any challenge to me — but was rather a relief as it not only enabled me to be but required me to be authentically Catholic at work. In my time at Notre Dame no staff ever expressed any concern to me about the demands that this placed on them. I witnessed Catholic staff deeply committed to their religious tradition and to the pastoral care of their students.

²⁸ Ibid art 4 §4.

²⁹ Ibid [22].

³⁰ John J Piderit and Melanie M Morey, *Teaching the Tradition: Catholic Themes in Academic Disciplines* (Oxford University Press, 2012).

³¹ *Ex Corde Ecclesiae* (n 2) art 4 § 3.

The Promotion of Religious Freedom and Inter-religious Dialogue

Ex Corde Ecclesiae encourages the promotion of religious freedom and inter-religious dialogue, as follows:

Besides cultural dialogue, a Catholic University, in accordance with its specific ends, and keeping in mind the various religious-cultural contexts, following the directives promulgated by competent ecclesiastical authority, can offer a contribution to ecumenical dialogue. It does so to further the search for unity among all Christians. In inter-religious dialogue it will assist in discerning the spiritual values that are present in the different religions.³²

When I joined the School of Law in Sydney, it had already introduced an annual Religious Liberty Lecture, and the promotion of religious freedom and inter-religious dialogue were key areas of focus and research of a number of colleagues. The Religious Liberty Lecture expanded into a full-day conference in Sydney and from 2024 an annual Iftar dinner.

Research

In my view, society benefits when a range of views are presented and considered, particularly to governments considering law reform. *Ex Corde Ecclesiae* encourages Catholic universities to engage in research which seeks to benefit society even though it may not be popular as follows:

A Catholic University, as any University, is immersed in human society; as an extension of its service to the Church, and always within its proper competence, it is called on to become an ever more effective instrument of cultural progress for individuals as well as for society. Included among its research activities, therefore, will be a study of *serious contemporary problems* in areas such as the dignity of human life, the promotion of justice for all, the quality of personal and family life, the protection of nature, the search for peace and political stability, a more just sharing in the world's resources, and a new economic and political order that will better serve the human community at a national and international level. University research will seek to discover the roots and causes of the serious problems of our time, paying special attention to their ethical and religious dimensions. *If need be, a Catholic University must have the courage to speak uncomfortable truths which do not please public opinion, but which are necessary to safeguard the authentic good of society.*³³

Research areas in the School have included a focus on religious freedom, religious confession privilege, freedom of conscience and issues relating to abortion, euthanasia, and modern slavery and human trafficking. Colleagues in the School have also contributed to submissions in such areas to various government inquiries.

³² Ibid [57].

³³ Ibid [32] (emphasis added).

Content and Methods of Teaching and Modes of Delivery

Ex Corde Ecclesiae encourages an education which seeks to form good people rather than simply impart technical knowledge:

The education of students is to combine academic and professional development with formation in moral and religious principles and the social teachings of the Church; the programme of studies for each of the various professions is to include an appropriate ethical formation in that profession. Courses in Catholic doctrine are to be made available to all students.³⁴

All undergraduate students at Notre Dame study a ‘core curriculum’ which includes philosophy, ethics, and theology. In compulsory courses, law students at Notre Dame can also expect to learn of and to discuss and debate the Christian background to the common law and to Australia’s legal system in *Legal History*, the virtues and natural law theory in *Legal Philosophy*, the constitutional protections for religious freedom in *Constitutional Law*, human dignity and modern slavery and human trafficking in *Criminal Law*, and religious confession privilege in *Evidence*. They will also be exposed to ethics from the beginning to the end of their degree with a particular focus in first year (in *Legal Process & Statutory Interpretation*) and in the final year (in *Commercial Practice and Ethics*). In other words, Notre Dame seeks to provide law students with both a legal education *and* an ethical education.

One of the most difficult areas I dealt with in my leadership roles related to modes of delivery. Prior to Covid, all law teaching at Notre Dame was in person. When this became impossible due to State lockdowns, all teaching moved on-line. During the Covid pandemic, the University never mandated that staff or students had to be vaccinated but there were some periods of time in which the University took the position that staff and students who were not vaccinated were not permitted to attend campus. There were several staff and students of the School who for various reasons, including religious and conscientious objections, did not take any of the Covid vaccines. Given my strong commitment to freedom of religion and freedom of conscience, enforcing this requirement on colleagues — and some very religious students with strongly held objections to the vaccines — for whom I had great respect was a significant challenge. Whilst teaching was on-line, the fact that some staff and students were prohibited from attending did not further disrupt teaching. It did mean that staff could not attend their offices to collect books or to work or meet in person with colleagues or with students when State law permitted it. It was a very difficult time in which I did my best to support all of my colleagues and all of the School’s students. There were periods on the Fremantle campus where this became a particular challenge as the State permitted movement and attendance at University campuses whilst the University’s requirements precluded this. With support from colleagues we were able to accommodate those students who were not able to attend campus during this period.

The Covid era move to online presented other challenges. Some students who had left to study online elsewhere, due to their distance from campus or their need to work, returned to study at Notre Dame when they could do so online. Since in person teaching again became possible, where accreditation has permitted it, Notre Dame law students have been permitted to choose to study in person or online. As community is such an important component of a Notre Dame

³⁴ Ibid art 4 § 5.

education this approach was not universally popular among colleagues. I saw it as a necessary response to the following call in *Ex Corde Ecclesiae* to make university education accessible:

Every Catholic University feels responsible to contribute concretely to the progress of the society within which it works: for example it will be capable of searching for ways to make university education accessible to all those who are able to benefit from it, especially the poor or members of minority groups who customarily have been deprived of it.³⁵

IV. THE BENEFITS OF CATHOLIC INSTITUTIONS FOR STAFF AND STUDENTS

Staff

As noted above, the expectations of staff at a Catholic university are different to those at a public university. All of the staff at a Catholic University will not be Catholic and, as noted above, that is certainly the case at Notre Dame which employs staff from many religious traditions and perspectives. Staff include serious religionists — including Catholics who are deeply committed to God within the context of their religious tradition. It is important that staff working in any Mission or Objects-driven institution, recognise the implications of doing so. As Levin has observed:

[T]here is ... an important role for understanding ourselves as formed by institutions and acting accordingly — for asking ourselves, in little moments of decision, ‘What should I do here, give my role or my position.... And there is a dire need, as well, for men and women at every level in each of our society’s institutions to channel their energies into that institution’s objectives and purposes — defining their ambitions by its distinct modes of integrity, seeing its aspirations as theirs, adopting its ethos for their own, and understanding its boundaries and not just its powers as formative.’³⁶

For staff who have sought employment with Notre Dame in order to experience religious tolerance — particularly but not only for faithful Catholics and Christians seeking to work in an environment of respect for the whole person — it offers a real alternative to working in a public university.

Students

Young Australians are experiencing serious levels of mental distress and suicidal ideation, with suicide now the leading cause of death for Australian children and young people.³⁷ Nearly a fifth (19%) of Australians aged 18–34 experienced suicidal distress in the 12 months to March 2025.³⁸ They are now the demographic with the highest level of distress.³⁹ Young Australians are the most likely Australians to have ‘serious thoughts of suicide, mak[e] a suicide plan, or

³⁵ Ibid [34].

³⁶ Yuval Levin, *A Time to Build* (Basic Books, 2020) 42.

³⁷ Sarah Ison, ‘Young Have Lost Hope, Suicide Figures Show’, *The Australian* (online, 6 March 2025).

³⁸ Suicide Prevention Australia, ‘Young Australians Demand Political Action on Suicide Prevention’ Media Release, (6 March 2025) <<https://www.suicidepreventionaust.org/young-australians-demand-political-action-on-suicide-prevention/>>.

³⁹ Ison (n 37).

attempt to take their life’.⁴⁰ According to Nieves Murray, the Chief Executive of Suicide Prevention Australia, ‘that is a significant change. Historically, it has been people in the middle-aged groups. This is indicating something different, and that, I think, is problematic and indicates a group of people with a lack of hope for the future’.⁴¹ Students at Notre Dame are certainly not immune from these issues.

Many studies have linked religion with positive health and mental health outcomes and with happiness. For example, in 2019, the Pew Research Centre published a report titled *Religion’s Relationship to Happiness, Civic Engagement and Health Around the World*. It found:

Whatever the explanation may be, more than one-third of actively religious US adults (36%) describe themselves as very happy, compared with just a quarter of both inactive and unaffiliated Americans. Across 25 other countries for which data are available, actives report being happier than the unaffiliated by a statistically significant margin in almost half (12 countries), and happier than inactively religious adults in roughly one-third (nine) of the countries.

The gaps are often striking: In Australia, for example, 45% of actively religious adults say they are very happy, compared with 32% of inactives and 33% of the unaffiliated. And there is no country in which the data show that actives are significantly *less* happy than others (though in many countries, there is not much of a difference between the actives and everyone else).⁴²

A Catholic University is not a place of indoctrination but nor is it a place in which religion is denigrated or ridiculed. Students who join the University from a religious tradition which gives their lives meaning and purpose and gives them hope for the future will not be disparaged for their beliefs. Through the availability of daily mass, the sacraments, and access to chaplaincy staff and to staff who live openly as Catholics — or religious believers from other traditions — some students experience a revival of their faith and some come to religious faith anew whilst they are students or sometimes afterwards. The School has seen some graduates join the Catholic Church, become Christians worshipping in another tradition, take religious orders as nuns, or join the seminary to study for the priesthood.

Notre Dame is a very special place and it was a great privilege for me to study and to work there. The continued ability of all religious faith-based institutions — whether they be universities, hospitals, schools, nursing homes, or others — to exist ultimately depends on the willingness of mission-aligned people to seek them out. This may sometimes involve sacrifice — sometimes considerable sacrifice — particularly for those already in established careers elsewhere in places which might be better resourced, have a stronger reputation, or which provide greater financial rewards. The continued existence and success of such institutions is, however, in my view critical for a multi-faith and pluralistic society. I would strongly encourage academics and students to work and study at faith-based institutions like Notre Dame.

⁴⁰ Suicide Prevention Australia (n 38).

⁴¹ Nieves Murray, quoted in Ison (n 37).

⁴² *Religion’s Relationship to Happiness, Civic Engagement and Health Around the World*, Pew Research Center (Report, 31 January 2019) (emphasis in original) <<https://www.pewresearch.org/religion/2019/01/31/religions-relationship-to-happiness-civic-engagement-and-health-around-the-world/>>.