

General Purpose Standing Committee No 2

**Education Amendment
(Ethics Classes Repeal) Bill
2011**

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Terms of reference

That General Purpose Standing Committee No. 2 inquire into and report on the Education Amendment (Ethics Classes Repeal) Bill 2011, and in particular:

- a. the stated objectives, curriculum, implementation, effectiveness and other related matters pertaining to the current operation of ‘special education in ethics’ being conducted in State schools, and
- b. whether the *Education Amendment (Ethics) Act 2010* should be repealed.

That the Committee report by 4 June 2012.

These terms of reference were referred to the Committee by the Legislative Council on 11 November 2011.¹

¹ *LC Minutes* (11/11/2011) 585-586.

Committee membership

The Hon Marie Ficarra MLC	Liberal Party	<i>(Chair)</i>
The Hon Paul Green MLC	Christian Democratic Party	<i>(Deputy Chair)</i>
The Hon Dr John Kaye MLC*	The Greens	
The Hon David Clarke MLC	Liberal Party	
The Hon Sarah Mitchell MLC	The Nationals	
The Hon Shaoquett Moselmane MLC	Australian Labor Party	
The Hon Helen Westwood MLC	Australian Labor Party	

* Dr John Kaye MLC substituted for Ms Jan Barham MLC for this inquiry.

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Chair's foreword

We believe that ethics classes should continue in NSW government schools and have recommended that the NSW Government continue to facilitate the delivery of Special Education in Ethics (SEE) as an option for students who do not attend Special Religious Education (SRE).

It is important that within this debate we do not forget who the key stakeholders are, the students of NSW government schools. It is with these key stakeholders in mind that the Committee has considered the important issues raised in this inquiry and presented a suite of recommendations that uphold the right of choice for students and their parents/carers and advocates improvements in the area of special religious and ethical education.

The fears of some stakeholders who believe that the introduction of SEE has been a move to downgrade the importance of SRE have been acknowledged. However, we do not believe that this is the case and we adamantly support the continuation of SRE and acknowledge the valuable contribution that it makes to NSW government schools. Another area that has the robust support of the Committee is the continuous and professional contributions made by volunteers of both SRE and SEE. Without these volunteers the classes in both SRE and SEE would not be possible. We are of the view that SRE and SEE can operate alongside each other in NSW government schools to the benefit of all students.

The Committee has made a number of recommendations that are aimed at improving the implementation and delivery of SEE and also SRE. These are recommendations that relate to increasing the availability of information for parents including factsheets on SRE and SEE, improving access to the SRE and SEE curriculums, ensuring suitable training of volunteer teachers and the collection of statistics on the number of students participating in SEE, SRE and for those students who do not attend either to better help inform policy decisions. We have also recommended that the Department of Education and Communities give more guidance to schools on what to do with students who do not attend SRE or SEE, including what constitutes adequate supervision and what activities these students can be meaningfully engaged in during that timeslot.

Significantly, we have recommended that a future independent review of both SEE and SRE be conducted by appropriately qualified early childhood educational reviewers in 2014-2015 that includes the issues that have been raised in this report.

On behalf of the Committee, I would like to acknowledge the time and considerable effort that inquiry participants invested in this inquiry, through submissions, hearings and additional information. I would also like to thank the schools that hosted Committee Members to enable us to observe ethics classes in action.

I express my thanks to my colleagues for their thoughtful contributions to this inquiry. Our role has benefited greatly from both our individual perspectives and our cooperative approach. I also thank the Committee secretariat, Rachel Callinan, Rebecca Main, Alex Stedman, Angeline Chung and Nyoka Friel, for their ongoing professional support.



Hon Marie Ficarra MLC
Committee Chair

Summary of key issues

The terms of reference for this inquiry were referred by the Legislative Council and require the Committee to determine if the legislative change that allowed Special Education in Ethics (SEE) as an alternative to Special Religious Education (SRE) in NSW government schools should be reversed. We were also asked to inquire into the stated objectives, curriculum, implementation, effectiveness and other related matters pertaining to the current operation of SEE being conducted in NSW government schools. The inquiry focused exclusively on the introduction and implementation of SEE in NSW government primary schools.

Development of SEE

SRE has a long history in NSW government schools dating back to the nineteenth century. Its important role in education has been reflected in legislation since 1866. Significantly, the legislation since 1880 has respected the right of parents to object to their children receiving SRE. This right, which also reflects Article 26 of the 1948 *Universal Declaration of Human Rights*, is outlined in the current *Education Act 1990*, which states that students cannot be required to attend SRE classes if their parents object. The Department of Education and Communities' (DEC) *Religious Education Implementation Procedures*, require that these students are to be provided with appropriate care and supervision and may undertake activities such as homework, reading and private study.

Over the years, some parents have raised concerns regarding the activities that these children undertake during the SRE timeslot. They have been seeking a more meaningful alternative to those outlined in the *Religious Education Implementation Procedures*. For example, some inquiry participants have suggested that students not attending SRE were watching DVDs, entertaining themselves, waiting in corridors and/or doing nothing.

After continued joint lobbying since 2003, by the NSW Federation of Parents and Citizens' Association and the St James Ethics Centre (SJEC), and a trial of an ethics program in Term 2, 2010 the *Education Act 1990* was amended to allow SEE as a secular alternative to SRE at NSW government schools. The SJEC established Primary Ethics which delivered its first ethics classes in February 2011. As at December 2011, with no government funding, Primary Ethics had 470 trained volunteers in place and were teaching to approximately 4,400 students.

Continuation of SEE

The most significant issue for this inquiry was whether ethics classes or SEE should continue in NSW government schools. Stakeholders had varying views on this issue, but predominantly the view of most inquiry participants was that ethics classes should be allowed to continue.

The support for the continuation of ethics classes came from a range of stakeholders. There was understandable support from a number of parents of students undertaking SEE, including school P&C Associations and the Parents4Ethics group, and the volunteer ethics teachers and coordinators and also from students themselves. These inquiry participants highlighted the importance of offering a worthwhile alternative for students not attending SRE, ensuring parents have a right to choose SEE and the positive impact SEE has had on students undertaking the course.

Interestingly, a number of SRE providers and religious organisations, which originally opposed the introduction of SEE, now do not believe it would be practicable or publically supported to remove SEE classes.

However, there were a number of other religious organisations that did not support the continuation of ethics classes. These inquiry participants had concerns with SEE based on a potential negative impact to SRE classes, issues of pedagogy and possible moral concerns. Also, there were a number of individual submission makers who supported the removal of ethics classes based on arguments that the ethics classes did not properly teach right from wrong and the belief that today's society has its foundations in Christian values and it is these that should be taught in schools.

Having weighed up the opinions of inquiry participants, the Committee has recommended that the NSW Government continue to facilitate the delivery of SEE in NSW government primary schools as an option for students who do not attend SRE. By this we mean that section 33A of the *Education Act 1990* that allows for SEE classes in NSW government schools should not be repealed.

We have noted the fears of some stakeholders who believe that the introduction of SEE has been a move to downgrade the importance of SRE. We do not believe that this is the case and we adamantly support the continuation of SRE and acknowledge the valuable contribution it makes to NSW government schools. Another area that has the robust support of the Committee is the continuous and professional contributions made by volunteers of both SRE and SEE. Without these volunteers the classes in both SRE and SEE would not be possible.

We are of the view that SRE and SEE can operate alongside each other in NSW government schools to the benefit of all students who are the key stakeholders in this debate.

Funding of SEE

Primary Ethics, who is the sole provider of SEE, is a not-for-profit public company that does not receive any government funding. Similarly, all SRE providers do not receive government funding for the delivery of SRE in NSW government schools. We support and have recommended the maintenance of this current situation where neither providers of SEE or SRE receive direct financial support from the NSW Government and requested that DEC publish this information on its website to improve public awareness on this issue.

Monopoly

A concern for some inquiry participants was whether Primary Ethics' position as the only provider of SEE was monopolistic and therefore unfair. Building on this concern, some participants suggested that the provision of SEE should be put out to an open tender managed by the NSW Government.

We understand that Primary Ethics' position as the sole provider of SEE can be attributed to the context in which ethics classes were introduced into NSW government schools. Firstly, the approach to DEC to teach ethics as an alternative to non-SRE was made by the SJEC and not any other organisation. Secondly, that government tendering guidelines have applied to the purchase of services by the Government, not necessarily to the voluntary provision of services.

We were pleased to note Primary Ethics' willingness to see other organisations apply to DEC to provide SEE. The Committee also noted the advice of DEC that other organisations will be able to apply to provide ethics classes in the future and that this process is under development. We have

supported this through a recommendation for DEC to establish an open and transparent expression of interest process to allow other organisations to apply to deliver SEE in NSW government primary schools before 2014.

SEE Curriculum

There was a concern amongst some inquiry participants regarding the age appropriateness of the curriculum developed by Primary Ethics for primary school students as well as access to curriculum materials.

We have acknowledged that there is a divergence of views on the age appropriateness of the curriculum. The Committee supports and has recommended that DEC continue its role in reviewing the age appropriateness of all relevant SEE curriculum and teaching materials.

In supporting processes which seek to better disseminate information to parents, the Committee has called on DEC to extend the proposed *Religious Education Implementation Procedures* requirement relating to the online disclosure of curriculum outlines by SRE providers to also apply to curriculum scope and sequence documents. The Committee has further recommended that all relevant curriculum information be presented in the order in which it is taught and that the Department incorporate these requirements in the new SEE procedures it is developing so that it also applies to Primary Ethics and other future providers of SEE.

Ministerial oversight of SEE

There was some concern that section 33A(3) of the *Education Act 1990*, which provides that ‘a government schools cannot be directed (by the Minister or otherwise) not to make special education in ethics available at the school’ does not enable ministerial oversight of SEE.

It is clear to the Committee, however, that the provision does not have the effect of preventing ministerial oversight of SEE. It simply has the effect of preventing a Minister from directing that a school not provide SEE and this was a specific safeguard included in the legislation by the Parliament.

We acknowledge that there is ministerial oversight of SEE and SRE under section 19 of the *Education Act 1990* as confirmed by the Minister. The Committee notes that the SEE curriculum, whilst not subject to direct ministerial approval, which is also the case for SRE curriculum, it is provided to DEC for review. We note that our recommendations maintain the important role that DEC has in reviewing SEE curriculum for age appropriateness (see Recommendation 3) and the importance for curriculum outlines to be accessible to parents and carers by being available on the websites of both SEE and SRE providers (see Recommendation 4).

Statistics

One of the main concerns raised during the inquiry was that data on the number of students participating in SEE, SRE or neither is not formally collected by DEC. A number of inquiry participants called for improved collection of this data to ensure policy decisions are properly informed.

Without such data it is not possible to definitively quantify student demand for either option, nor can the number of students who are not participating in either SRE and SEE be accurately known. It is clear that there is a need for this data to ensure good evidence-based decision making and policy development including dealing with the issue of student activity for those students not attending either

SRE or SEE. Therefore, we have recommended that DEC collect and publish data annually on the number of students participating in SEE, SRE and for those students who do not attend either.

Students not attending SRE or SEE

SEE was originally developed as a way to address the issue of what to do with children who do not participate in SRE by offering a “meaningful option” to these students. However, since the introduction of SEE for some Year 5/6 students, inquiry participants have indicated that this concern still remains, and will remain even with the expansion of SEE, as there will still be students who do not attend either SRE or SEE. Concerns were raised that these children will not be meaningfully engaged.

While we acknowledge the Department’s advice that individual schools determine arrangements for these students, we believe there is merit in the suggestion that DEC should provide further guidance as to what activities can be undertaken by these students, without disadvantaging those that partake in SEE or SRE. Therefore, we have recommended that DEC include in its revised *Religious Education Implementation Procedures* recommendations to schools regarding what constitutes adequate supervision for these students and what activities they can be meaningfully engaged in during that timeslot.

Training of volunteer SEE teachers

There was some level of concern regarding the adequacy of training for SEE and SRE volunteer teachers. While we acknowledge the great contribution made by the volunteer teachers for both SEE and SRE in NSW government schools, we do believe that these volunteer teachers should be adequately prepared to deal with the challenges of the classroom, and in particular receive classroom management training, have a thorough knowledge of the curriculum they are there to deliver and undergo compulsory child protection training.

We acknowledge that some SRE providers have developed a system of accredited initial and ongoing training for their voluntary teachers. We have supported this approach by recommending that DEC require SRE and SEE providers to have in place a system of accredited initial and ongoing training for their voluntary teachers that includes training in classroom management and child protection issues and that DEC monitor providers’ compliance with this requirement. In addition, we recommended that each provider’s website should have available information regarding the training of their volunteers.

Information for parents and schools

Based on the evidence received, it is difficult for the Committee to establish if parents have enough information to make informed decisions for their children regarding the options and processes involved in the area of SRE and SEE. For this reason we have recommended that the revised *Religious Education Implementation Procedures* and the SEE implementation procedures include the requirement for the provision of DEC approved fact sheets for parents at the time of enrolment that include information on the available options of SRE, procedures for opting out of SRE, the availability of SEE, and how to access curriculum information for these options. These factsheets should also be available on the DEC website and individual school websites.

To support schools in the dissemination of information to parents, the Committee has also recommended that the revised *Religious Education Implementation Procedures* and SEE implementation procedures provide templates of letters to schools for their use to advise parents and carers of the availability and options of SRE and processes involved in opting out of SRE and choosing SEE.

We have made a number of recommendations that will impact on the revised *Religious Education Implementation Procedures* and the SEE implementation procedures. We note that these procedures are still to be finalised and acknowledge that this would be an appropriate way to deliver guidance on a number of issues relating to SRE and SEE to schools.

While the changes that the Committee has recommended to the implementation procedures are important, it is equally important that these procedures are followed and implemented by schools and principals. To this end, we have recommended that DEC ensure that these revised procedures are effectively communicated to and implemented by principals once they are finalised.

In addition, we note that the Learning Services team of the DEC NSW Curriculum and Learning Innovation Centre has the important role of providing support to schools for the smooth implementation of SRE and SEE. With the increase in the availability of SEE across NSW this role will become even more critical to ensure that this support continues and is available to all schools. In response to this, the Committee has recommended that DEC ensure that the Learning Services team is adequately staffed and resourced to enable ‘in servicing’ of school leadership teams.

Future review

Some inquiry participants suggested that this inquiry into ethics classes is too early in the implementation process of SEE and that while a review of SEE is welcome it should be conducted in the future. In addition, some inquiry participants also proposed that if SEE was to be reviewed SRE should be as well.

We have received a lot of evidence regarding the implementation and delivery of SEE classes in NSW government schools. While there has been a significant amount of support for the provision of the SEE classes from parents and teachers, there has also been concern regarding some aspects of the implementation and delivery of these classes as outlined in this report.

The Committee does believe that there should be a review of SEE in the future that, among other matters, looks at the curriculum and delivery issues raised by inquiry participants.

We note that a number of the delivery issues raised in this inquiry were also raised in the context of the delivery of SRE classes. We are also aware that the provision of SRE in NSW government schools has not been formally reviewed for over 30 years, since the 1980 Rawlinson Report. As such, the argument proposed by a number of inquiry participants that there be a future review of SRE has merit. Also, the fact that such a review has the support of some SRE providers indicates that the time has come for a review of SRE in NSW government schools.

Therefore, we have recommended that DEC commission an independent review of both SRE and SEE in NSW government schools to be conducted by appropriately qualified early childhood educational reviewers in 2014-2015 that includes the issues that have been raised in this report.

It is with the key stakeholders in mind, the students, that the Committee has considered the important issues raised in this inquiry and presented a suite of recommendations that uphold the right of choice for students and their parents/carers and advocates improvements in the area of special religious and ethical education. We value the important contribution both SRE and SEE volunteers make to educating the students in NSW government schools.

Summary of recommendations

- Recommendation 1** **23**
 That the NSW Government:
- Not seek to repeal section 33A of the *Education Act 1990* that allows for Special Education in Ethics classes in NSW government schools; and
 - Continue to facilitate the delivery of Special Education in Ethics in NSW government primary schools as an option for students who do not attend Special Religious Education.
- Recommendation 2** **28**
 That the NSW Government maintains the current situation where neither providers of Special Education in Ethics or Special Religious Education receive direct financial support from the Government; and that the Department of Education and Communities publish on its website information advising that the provision of Special Education in Ethics and Special Religious Education are not government funded.
- Recommendation 3** **35**
 That the Department of Education and Communities continue to review the age appropriateness of the Special Education in Ethics curriculum and teaching materials.
- Recommendation 4** **37**
 That the Department of Education and Communities, in the revised *Religious Education Implementation Procedures* and the new Special Education in Ethics procedures, require all providers to post their curriculum outlines and curriculum scope and sequence documents online, and that all relevant curriculum information be presented in the order in which it is taught.
- Recommendation 5** **40**
 That the Department of Education and Communities establish an open and transparent expression of interest process to allow other organisations to apply to deliver Special Education in Ethics in NSW government primary schools before 2014.
- Recommendation 6** **50**
 That the Department of Education and Communities collect and publish data annually on the number of students participating in Special Education in Ethics, Special Religious Education and for those students who do not attend either.
- Recommendation 7** **53**
 That the Department of Education and Communities include in its revised *Religious Education Implementation Procedures* recommendations to schools regarding what constitutes adequate supervision for students and for activities that those students not attending Special Religious Education or Special Education in Ethics can be meaningfully engaged in, during that timeslot.

Recommendation 8**53**

That the Department of Education and Communities ensure that the revised *Religious Education Implementation Procedures* and Special Education in Ethics implementation procedures are effectively communicated to and implemented by principals once they are finalised.

Recommendation 9**59**

That the Department of Education and Communities require and monitor Special Religious Education and Special Education in Ethics providers to ensure that they have in place a system of accredited initial and ongoing training for their voluntary teachers that includes training in classroom management and child protection issues and that this information is published on the providers' websites.

Recommendation 10**64**

That the Minister for Education investigate the inclusion of philosophy in New South Wales secondary schools as part of the development of the Australian Curriculum.

Recommendation 11**65**

That the Department of Education and Communities ensure that the revised *Religious Education Implementation Procedures* and the Special Education in Ethics implementation procedures include the requirement for the provision of departmental approved fact sheets for parents at the time of enrolment that include information on the available options of Special Religious Education, procedures for opting out of Special Religious Education and the option of choosing Special Education in Ethics where available, and how to access curriculum information for these options. These factsheets should be available on the departmental website and individual school websites.

Recommendation 12**66**

That the Department of Education and Communities ensure that the revised *Religious Education Implementation Procedures* and the Special Education in Ethics (SEE) implementation procedures include templates of letters that can be provided to schools for their use to:

- Advise parents/carers of the various Special Religious Education (SRE) classes available for year groups each year
- Advise parents/carers of any changes in organisation and/or availability of any new SRE classes
- Offer parent/carers of non-SRE students the option to attend SEE classes (advice should be clear to principals that this letter should only be distributed to parents/carers of potential non-SRE students only after an 'opt out' decision by parents/carers has been communicated to the school)
- SRE and SEE letter templates should differ in appearance to avoid confusion for parents/carers.

Recommendation 13**66**

That the Department of Education and Communities ensure that the Learning Services team of the NSW Curriculum and Learning Innovation Centre be adequately staffed and resourced to enable 'in servicing' of school leadership teams with regard to providing support for the implementation of Special Religious Education and Special Education in Ethics.

Recommendation 14**69**

That the Department of Education and Communities (DEC) commission an independent review of both Special Religious Education (SRE) and Special Education in Ethics (SEE) in NSW government schools to be conducted by appropriately qualified early childhood educational reviewers in 2014-2015 that includes the following:

- Survey of the nature and extent of SRE and SEE
- DEC Implementation Procedures for SRE and SEE including: parent/carer choice through the enrolment process and opting out; approval of SRE and SEE providers by DEC; authorisation of volunteer teachers and curriculum by providers
- Development of complaints procedures and protocols
- SRE and SEE providers training structures
- Registration of SRE and SEE Boards, Associations and Committees
- New modes of patterns of delivery using technology
- Pedagogy, relevance and age appropriateness of teaching and learning across all primary grades in a variety of demographics
- Need for annual confirmation by parents/carers on SRE choice or opting out
- Review of activities and level of supervision for students who do not attend SRE or SEE.

Glossary

CCYP	Commission for Children and Young People
CCRESS	Catholic Conference of Religious Educators in State Schools
DEC	NSW Department of Education and Communities
ICCOREIS	NSW Inter-Church Commission on Religious Education in Schools
SEE	Special Education in Ethics
SJEC	St James Ethics Centre
SRE	Special Religious Education

Chapter 1 Introduction

This chapter outlines the establishment and conduct of the inquiry. There is also a report structure presented at the end of the chapter.

Establishment and conduct of the inquiry

Establishment of the inquiry

- 1.1 The Education Amendment (Ethics Classes Repeal) Bill 2011 (the Bill) was introduced as a Private Members' Bill by Rev the Hon Fred Nile MLC on 5 August 2011. The Bill seeks to amend the *Education Act 1990* to repeal the provision inserted by the *Education Amendment (Ethics) Act 2010* allowing Special Education in Ethics as an alternative to Special Religious Education in NSW government schools.
- 1.2 On 11 November 2011, the NSW Government successfully moved an amendment to the Bill during the second read in the Legislative Council to refer it to General Purpose Standing Committee No 2 for inquiry and report.²

Terms of reference

- 1.3 The terms of reference require the Committee to inquire into the stated objectives, curriculum, implementation, effectiveness and other related matters pertaining to the current operation of Special Education in Ethics being conducted in NSW government schools. The inquiry focused exclusively on the introduction and implementation of Special Education in Ethics in NSW government primary schools.
- 1.4 The Committee has also been asked to inquire into “whether the *Education Amendment (Ethics) Act 2010* should be repealed.” It is noted that, typically, an amending act is repealed on the day after all its provisions have commenced.³ The provisions of the *Education Amendment (Ethics) Act 2010* commenced on 7 December 2010, and therefore it was subsequently repealed on 8 December 2010. The Committee notes that a repealed act cannot be repealed again. However, the intent of this term of reference is for the Committee to determine if the legislative change that allowed ethics classes in NSW government schools should be reversed. This has been considered in the inquiry.

Submissions

- 1.5 The Committee invited submissions through advertisements in *The Sydney Morning Herald* and *The Daily Telegraph* and by writing to a large number of stakeholders. The closing date for submissions was 24 February 2012.

² *LC Minutes* (11/11/2011) 585-586.

³ *Interpretation Act 1987*, section 30C.

- 1.6** The Committee received 473 submissions and 4 supplementary submissions from a range of stakeholders including parents, volunteer ethics teachers, proponents and providers of Special Religious Education and the provider of ethics classes, Primary Ethics.
- 1.7** The submissions presented arguments for and against the continuation of ethics classes in NSW government schools. A number of submissions from parents and volunteer ethics teachers provided their support for ethics classes to continue mainly based on the positive feedback from students. A number of other submissions raised concerns with providing ethics classes based on a potential negative impact to Special Religious Education classes, issues of pedagogy and possible moral concerns.
- 1.8** Other submissions, for example, those from academics, Primary Ethics and Special Religious Education providers, provided detailed information about the implementation and delivery of ethics classes. Some of these submissions also raised concerns with some aspects of the ethics classes, including the availability and age appropriateness of the curriculum, the level of training for the volunteer teachers and the lack of statistics on students undertaking ethics classes. Some submissions also raised similar concerns with Special Religious Education classes.
- 1.9** A list of submissions can be found in Appendix 1.

Hearings

- 1.10** The Committee held three public hearings during the course of its inquiry. The hearings were held at Parliament House on 24 and 27 February 2012 and 12 March 2012.
- 1.11** The Committee received evidence from a number of stakeholders including representative parent groups, such as Parents4Ethics, a group of over 1,000 parents that support ethics classes and the Federation of Parents and Citizens Association of NSW, academics, the Department of Education and Communities, providers of Special Religious Education and Primary Ethics.
- 1.12** A full list of witnesses is provided at Appendix 2.

Site visits

- 1.13** Members of the Committee undertook site visits to Summer Hill Public School on 22 March 2012 and Ultimo Public School on 26 April 2012 to observe ethics classes in action. The Committee appreciates the time and effort made by the students, schools, Primary Ethics, volunteer ethics teachers and the Department of Education and Communities for hosting the visits.

Structure of report

- 1.14** This report is comprised of four chapters. Chapter 1 provides an overview of the establishment and conduct of the inquiry.

- 1.15** Chapter 2 outlines the historical context of Special Religious Education in NSW government schools and the development of Special Education in Ethics.
- 1.16** In Chapter 3 issues relating to the development and implementation of Special Education in Ethics classes are canvassed.
- 1.17** Chapter 4 examines issues relating to the delivery of Special Education in Ethics classes and also provides comment on issues relating to Special Religious Education classes that were raised by inquiry participants.

Chapter 2 Religion and ethics in NSW government schools

This chapter provides an historical context to the provision of Special Religious Education (SRE) and the development of Special Education in Ethics (SEE) in NSW government schools.

An outline is provided that details the introduction of SEE including information relating to the trial of the SEE classes and their formal introduction to NSW government schools in 2011. A comparison with other Australian and international jurisdictions that provide ethics classes is undertaken.

The chapter concludes with a discussion on whether or not ethics classes should continue in NSW government schools. The arguments for and against ethics classes presented by inquiry participants are discussed and the Committee's conclusion regarding the future of SEE classes is explained.

Historical context

2.1 This section outlines the history behind the provision of SRE in NSW government schools.

Early days

2.2 Religious studies have always been a component of the NSW public schools system. In the early penal days of the NSW colony, the churches, in particular the Anglican Church, was primarily responsible for schooling the State's children.⁴ This remained the status quo until the 1830s when the State started to increasingly involve itself in the provision of education.⁵

2.3 By the late 19th century the State had assumed control of the public education system under the *Public Schools Act 1866*. This Act legislated the requirement for every public school to set aside a portion of each day of not less than one hour for special religious education.⁶

2.4 The *Public Schools Act 1866* was superseded by the *Public Instruction Act 1880* to make more adequate provisions for public education. In particular, this Act established the first education department, the Department of Public Instruction, replacing the previous education councils and boards. The Act continued with the requirement to set aside a portion of each day of not less than one hour for special religious education. In addition, this legislation stated that no pupil in a public school shall be required to receive any general or special religious instruction if the parents or guardians object to such instruction.⁷

⁴ Report of the NSW Committee Appointed by the Minister for Education to Consider Religious Education in NSW Government Schools, 1980, *Religion in Education in NSW Government Schools*, p 7 (hereafter referred to as the *Rawlinson Report*).

⁵ *Rawlinson Report*, p 7.

⁶ *Public Schools Act 1866*, section 19.

⁷ *Public Instruction Act 1880*, sections 1, 3, 17 and 18.

The Rawlinson Report

- 2.5** The *Public Instruction Act 1880* was still in force when, in 1975, a Committee to consider Religious Education in NSW Government Schools was appointed by the then Education Minister. The Committee completed its work in 1980 with a report entitled, *Religion in Education in NSW Government Schools*, which is known as the *Rawlinson Report*.⁸
- 2.6** The report acknowledged that the legislation established in 1880 had remained unchanged and a review of religious education, including special religious education in NSW government schools, was needed to address ‘significant problems’ in the working of the religious education clauses of the 1880 Act.⁹
- 2.7** The *Rawlinson Report* made 76 recommendations. Recommendations 36 to 72 of the report relate specifically to SRE and were adopted by the Wran Government to form the basis of an agreement with the churches about the implementation of SRE in NSW government schools.¹⁰

Education and Public Instruction Act 1987

- 2.8** In relation to the allocation of time for SRE, the *Rawlinson Report* stated that the 1880 Act suggests to many people that SRE may be given for up to one hour each day and recommended that the legislation be amended to reflect on average, over any given year, not more than one hour per week be available for SRE.¹¹
- 2.9** In the second reading speech on the *Education and Public Instruction Act 1987*, by the then Minister for Education, the Hon Rodney Cavalier MP, it was recognised that the practice for delivering special religious education was in fact confined to one hour a week rather than one hour a day as provided for in the original 1880 Act. The special religious education provisions of the *Education and Public Instruction Act 1987* were based on the recommendations of the *Rawlinson Report* and sought to ensure the time allocation of one hour a week was legislated for and that the provisions continued the spirit of the earlier legislation by requiring SRE to remain in NSW government schools with the provision for opting out. Section 11(1) of this Act reads:

In every State school, time shall be allowed for the religious instruction of children of any religious persuasion, but the total number of hours so allowed in a year shall not exceed, for each child, the number of school weeks in the year.¹²

⁸ *Rawlinson Report*, p 2.

⁹ *Rawlinson Report*, p 2.

¹⁰ *Rawlinson Report*, p 2 and Department of Education and Communities (DEC), *Religious Education Implementation Procedures*, 2012, p 1.

¹¹ *Rawlinson Report*, Recommendations 12 and 52, pp 83, 107 and 112.

¹² *LA Debates (12/2/1987)* 8235 and 8236, *Education and Public Instruction Act 1987*, sections 11 and 12.

Special Religious Education in today's NSW government schools

- 2.10** The provisions relating to SRE in the 1987 Act are very similar to those in the current *Education Act 1990*.
- 2.11** SRE is legislated for in section 32 of the *Education Act 1990* which requires that 'in every government school, time is to be allowed for the religious education of children of any religious persuasion.'¹³ Section 32 is set out in Appendix 4 of this report.
- 2.12** Section 33 of the Act also specifies that 'no child at a government school is to be required to receive any general religious education or special religious education if the parent of the child objects to the child's receiving that education.'¹⁴ This choice reflects provisions in Article 26 of the 1948 *Universal Declaration of Human Rights* relating to the right of parents to choose the kind of education given to their children¹⁵ and is a continuation from the early legislation of 1880.
- 2.13** While there is no definition of SRE in the legislation the NSW Department of Education and Communities (DEC) defines SRE as 'education in the beliefs and practices of an approved religious persuasion by authorised representatives of that persuasion.'¹⁶
- 2.14** SRE is delivered by volunteer teachers. The valuable contribution made by these volunteer teachers is acknowledged by the Committee.

Religious Education Implementation Procedures

- 2.15** The provision of SRE in NSW government schools is underpinned by a set of DEC *Religious Education Implementation Procedures*, which are sometimes referred to as "implementation guidelines." These procedures were based on the recommendations of the *Rawlinson Report* and form the basis of an agreement with the churches about the implementation of SRE. These procedures define the respective responsibilities of the school, religious persuasions and parents or caregivers.¹⁷
- 2.16** The implementation procedures require that students not engaged in SRE be provided with appropriate care and supervision:

This may involve students in other activities such as completing homework, reading and private study. These activities should neither compete with SRE nor be alternative lessons in the subjects within the curriculum...¹⁸

¹³ *Education Act 1990*, section 32 (1).

¹⁴ *Education Act 1990*, section 33.

¹⁵ United Nations, 1948 *Universal Declaration of Human Rights*, Article 26, accessed on 30 April 2012, <www.un.org/en/documents/udhr/index.shtml>

¹⁶ DEC, *Religious Education Implementation Procedures*, 2012, p 1.

¹⁷ DEC, *Religious Education Implementation Procedures*, 2012, p 1.

¹⁸ Answers to additional questions on notice, 27 February 2012, Ms Cheryl Best, General Manager, Learning and Development, DEC, Question 2, pp 2-3 and DEC *Religious Education Implementation Procedures*, p 3, point 11.

- 2.17** The requirement that activities should not compete with SRE or be alternate lessons of the curriculum was developed to prevent such activities from potentially creating conflict of choice for some parents and for some students attending SRE.¹⁹
- 2.18** The Department advised that the *Religious Education Implementation Procedures* have recently been reviewed and updated by DEC in light of the introduction of SEE and will be finalised pending the outcome of this inquiry.²⁰
- 2.19** The Committee notes that on 11 November 2011, the Minister for Education, the Hon Adrian Piccoli MP, announced that as part of the review of the *Religious Education Implementation Procedures* the guidelines:
- ...will include a minimum time of 30 minutes of meaningful teaching time per week in primary schools.²¹
- 2.20** The Minister's statement acknowledged that with school days becoming busier, the provision of a maximum time period (as provided for currently) rather than a minimum time period had led to other activities encroaching on the delivery of SRE. The Minister also noted that the same minimum of 30 minutes would also apply to ethics classes.²²

Ethics classes in NSW government primary schools

- 2.21** This section outlines the development and implementation of SEE classes in NSW government primary schools.

Development of SEE as an alternative for students not attending SRE

- 2.22** As previously noted, the Act provides that students cannot be required to attend SRE classes if their parents object. As required by the *Religious Education Implementation Procedures*, such students are to be provided with appropriate care and supervision and may undertake activities such as homework, reading and private study.²³
- 2.23** Over the years, some parents have raised concerns regarding the activities that children not attending SRE undertake during this timeslot. They have been seeking a more meaningful alternative to those outlined in the *Religious Education Implementation Procedures*.

¹⁹ DEC, *Religious Education Implementation Procedures*, 2012, p 3.

²⁰ Answers to additional questions on notice, 27 February 2012, Ms Best, Question 2, pp 2-3.

²¹ DEC website, accessed 15 May 2012, <www.det.nsw.edu.au/about-us/news-at-det/media-centre/media-releases/strengthening-special-religious-education>.

²² DEC website, accessed 15 May 2012, <www.det.nsw.edu.au/about-us/news-at-det/media-centre/media-releases/strengthening-special-religious-education>.

²³ DEC, *Religious Education Implementation Procedures*, p 3, point 11.

- 2.24** The NSW Federation of Parents and Citizens' Association (P&C) have been the key group seeking change in this area. The P&C advised that in some cases students not attending SRE are 'watching playschool or waiting in the corridor whilst other students undertook SRE.'²⁴
- 2.25** One parent indicated that her daughter 'has been criticised twice during Non Scripture time for going on with her work, as this was seen to be "getting ahead" when the Scripture children were attending their religious instruction.'²⁵ Other parents describe the situation where their children spend up to an hour every week entertaining themselves during the SRE timeslot or sitting in the library doing nothing.²⁶
- 2.26** It has been suggested Recommendation 42 of the *Rawlinson Report* was not fully adopted by the Government or made part of the implementation procedures.²⁷ This recommendation stated:
- That pupils withdrawn from SRE be provided with opportunities for purposeful secular learning which should, however, be of such a nature as to avoid conflict of choice, either for the parents or for the pupils receiving Special Religious Education.²⁸
- 2.27** Dr Simon Longstaff, Executive Director, St James Ethics Centre (SJEC) commented that SEE was developed to offer students not attending SRE a meaningful option during the SRE timeslot:
- The problem that this started with was that there were, for many decades, children being apart during the period when SRE was being held, engaging in if you like – it was not a complete waste of time but it was not meaningful activity of the kind that was being offered, even remotely of the kind that was being offered to those in SRE.²⁹
- 2.28** The issue of whether students not attending SRE are engaged in meaningful activity has become more significant over time due to the increase in the number of people who declare they have no religious affiliation. Figures in the Australian Census indicate that in 1971 this was seven per cent of the population and by 2008 the figure had increased to 18 per cent. It can be inferred that there is likely to have been an increase in the number of students not attending SRE over this period.³⁰
- 2.29** In 2003, the P&C supported by the SJEC, began advocating for Recommendation 42 of the *Rawlinson Report* to be implemented through the provision of ethics classes, arguing that it would provide a "meaningful option" for children who opt out of SRE.³¹

²⁴ Submission 286, Federation of Parents and Citizens Association of NSW, p 3. More discussion is in Chapter 4 on activities undertaken by students not attending SRE.

²⁵ Submission 114, Ms Samantha Donnelly.

²⁶ Submission 129, Ms Sarah Heesom; Submission 280, Ms Anousha Zarkesh; Submission 106, Ms Michelle Moriarty.

²⁷ Russell, T, 'NSW ethics classes earn religions' endorsement', *Education Today*, Term 3, 2011, p 24.

²⁸ *Rawlinson Report*, p 111.

²⁹ Dr Simon Longstaff, Executive Director, St James Ethics Centre, Evidence, 24 February 2012, p 24.

³⁰ Knight S, *NSW Ethics Course Trial – Final Report, October 2010*, p 26. More discussion on statistics of students attending and not attending SRE is in Chapter 4.

³¹ Russell, T, 'NSW ethics classes earn religions' endorsement', *Education Today*, Term 3, 2011, p 24.

2.30 The SJEC pointed out that ‘the call to introduce ethics classes as an option for children not attending classes in Special Religious Education (SRE) came from parents. Parents have led the campaign for change and SJEC has merely provided support to them in the achievement of their just objectives.’³² Further to this the SJEC commented that the body of parents pursuing this change represented diverse interests including:

- Religious parents whose faith group was unable to offer SRE for lack of resources,
- Religious parents who preferred religious instruction to be undertaken within their home or the bounds of their religious community, and
- Parents with little or no interest in religion.³³

2.31 The P&C stated that ‘the call for an alternative option was unanimous and did indeed demonstrate the real need for parents to be assured that no educational opportunity is wasted in Government schools.’³⁴

2.32 In 2004, the SJEC unsuccessfully lobbied the Carr Government to create an ethics course for primary school children.³⁵ In an attempt to canvass public support for ethics classes the P&C surveyed its members in 2006 and found that 59 per cent of parents thought it was important or very important that their child be given the option of attending a secular, ethics-based class.³⁶ By ‘secular’ it is meant lessons that do not contain dogmatical or polemical theology.³⁷ The P&C indicated that ‘successive [Education] Ministers rejected the proposals, among their justifications they often cited lack of community support’ despite the results of 2006 P&C survey.³⁸

The ethics class trial

2.33 After continued lobbying, in November 2009, the then Premier, the Hon Nathan Rees MP, announced the approval of a trial ethics program as an alternative to SRE in ten NSW government schools. The announcement came in response to another request from the P&C and the SJEC to trial an ethics course for students in Years 5 and 6. Ten schools self-nominated to participate in the trial, equating to approximately 530 students from the following schools:

- Baulkham Hills North Public School
- Bungendore Public School
- Crown Street Public School

³² Submission 158, St James Ethics Centre, p 1.

³³ Submission 158, p 1.

³⁴ Submission 286, p 3.

³⁵ Russell, T, ‘NSW ethics classes earn religions’ endorsement’, *Education Today*, Term 3, 2011, p 24.

³⁶ Submission 286, p 3 and Answers to questions taken on notice during evidence 12 March 2012, Ms Sharon Johnson, Member Services Officer, Federation of Parents and Citizens Association of NSW, Question 1, p1.

³⁷ *Public Instruction Act 1880*, section 7.

³⁸ Submission 286, p 3.

- Darlinghurst Public School
- Ferncourt Public School
- Haberfield Public School
- Hurstville Public School
- Leichhardt Public School
- Randwick Public School
- Rozelle Public School.³⁹

- 2.34** The trial was managed by the SJEC with the course curriculum developed by Adjunct Associate Professor Philip Cam, University of NSW.⁴⁰ The course consisted of ten lessons which explored particular ethical questions or features of the ethical decision making process. The lessons were built on a process of discussion-based ethical inquiry, in which students engaged in dialogue around the relevant subject matter, guided both by questioning from a volunteer teacher and resources designed to stimulate the children's thinking.⁴¹
- 2.35** The pilot course was delivered in Term 2, 2010 and at its completion DEC commissioned an independent evaluation which was undertaken by Dr Sue Knight, School of Education, University of South Australia.⁴²
- 2.36** Dr Knight's evaluation was designed to:
- provide an overview of the trial ethics course
 - analyse the quality of its content, activities and resources
 - evaluate its efficacy relating to improving students' understanding of and skills in ethical decision making
 - determine whether the organisation used by the SJEC for the ethics trial is a viable option for wider implementation
 - and make recommendations for improvement to its quality.⁴³
- 2.37** Dr Knight presented her report to DEC in October 2010, and concluded that the trial ethics course, subject to certain qualifications, should be adopted and implemented across NSW government schools.⁴⁴

³⁹ Submission 181, DEC, p 3 and Knight S, *NSW Ethics Course Trial – Final Report, October 2010*, p 34.

⁴⁰ Knight S, *NSW Ethics Course Trial – Final Report, October 2010*, p 35.

⁴¹ Knight S, *NSW Ethics Course Trial – Final Report, October 2010*, p 9.

⁴² Knight S, *NSW Ethics Course Trial – Final Report, October 2010*, p 1.

⁴³ Knight S, *NSW Ethics Course Trial – Final Report, October 2010*, p 1.

⁴⁴ Knight S, *NSW Ethics Course Trial – Final Report, October 2010*, pp 18-19.

Introduction of SEE

- 2.38** In November 2010, the Keneally Government's Education Minister, the Hon Verity Firth MP, introduced the Education Amendment (Ethics) Bill 2010 to amend the *Education Act 1990* to allow "special education in ethics" as a secular alternative to SRE at NSW government schools. In her agreement in principle speech Ms Firth cited Dr Knight's report, community support and her desire to enshrine in legislation the right of parents to choose an ethics-based alternative to SRE as her reasoning for the Bill's introduction.⁴⁵ The Education Amendment (Ethics) Bill 2010 passed the Parliament with the support of the NSW Greens.⁴⁶
- 2.39** The amendment inserted a new section 33A into the *Education Act 1990*, which permits special education in ethics as an alternative to SRE if:
1. The parent of a child has objected to their child receiving special religious education
 2. It is reasonably practicable for special education in ethics to be available
 3. The parent requests that their child receive special education in ethics.⁴⁷
- 2.40** The legislation also states in section 33A(3) that a NSW Government school cannot be directed (by the Minister or otherwise) not to make special education in ethics available at the school.⁴⁸ The effect of this provision is examined in Chapter 3. Section 33A is set out in Appendix 4 of this report.
- 2.41** Ms Cheryl Best, General Manager, Learning and Development, DEC, stated that the ethics classes are a response to changes in society:
- A high-quality, responsive education system needs to ensure that it also changes to reflect societal change. Offering an ethics course alongside special religious education classes in a range of faiths provides opportunities for students that reflect the diversity of the society in which we live... The department recognised the need to cater for the needs of all students, and providing an option for ethics classes alongside special religious education is an approach that we believe better caters to the needs of students in New South Wales who do not attend special religious education.⁴⁹
- 2.42** In November 2010, the SJEC established Primary Ethics as a separate organisation to deliver ethics classes in NSW government primary schools. Primary Ethics delivered its first ethics classes in February 2011 and, as at December 2011, with no government funding, Primary Ethics had 470 trained volunteers in place and was teaching to approximately 4,400 students. Primary Ethics advised that its goal is to 'attract a volunteer workforce of over 4,300 people and to provide classes to approximately 65,000 students each week'.⁵⁰

⁴⁵ *LA Debates* (26/11/2010) 28410.

⁴⁶ *LA Debates* (26/11/2010) 28410; *LA Debates* (30/11/2010) 28578; *LA Debates* (1/12/2010) 28710; *LC Debates* (1/12/2010) 28652.

⁴⁷ Submission 181, p 3 and *Education Act 1990*, section 33A(1) and (2).

⁴⁸ Submission 181, p 3 and *Education Act 1990*, section 33A(3).

⁴⁹ Ms Cheryl Best, General Manager, Learning and Development, DEC, Evidence, 27 February 2012, p 32.

⁵⁰ Submission 156, Primary Ethics, p 5. It is noted that DEC have indicated that there are approximately 430,000 students in NSW government primary schools.

- 2.43** DEC commented that of the schools currently offering ethics classes 62 per cent are located in metropolitan NSW, 26 per cent in regional areas and 12 per cent in rural and remote locations.⁵¹
- 2.44** It is noted that during the inquiry there was no discussion of extending SEE into NSW Government *high schools* and this is not discussed in this report.
- 2.45** Further information about Primary Ethics and its delivery of ethics classes is contained in Chapter 3.

Comparisons with other jurisdictions

- 2.46** NSW is the only jurisdiction in Australia to have trialled and introduced ethics classes in public schools.⁵² Internationally, both Germany and Canada serve as examples of comparable western nations with alternatives to religious education in public schools.⁵³
- 2.47** In the Berlin state jurisdiction the public education curriculum provides for compulsory ethics classes with religious classes being offered as an optional extra course available outside standard school hours. A Berlin state referendum was held in 2009 seeking to provide students the right to choose between ethics and religious courses in standard school hours. The proposal was unsuccessful and students in Berlin remain free to participate in religious education but only outside of standard school hours.⁵⁴
- 2.48** In 2007, the Québec Provincial Government implemented a compulsory Ethics and Religious Culture Program to all primary and secondary students at public and private schools. The program replaced existing Catholic, Anglican, Jewish and Moral classes. Its stated objectives are to help children to:
- acquire or consolidate an understanding of how all individuals are equal in terms of right and dignity;
 - learn to reflect on issues;
 - learn about elements of other religious traditions present in Québec; and
 - grow and develop in a society in which different values and beliefs coexist.⁵⁵
- 2.49** The program has created considerable controversy, receiving criticism from varied groups – including secularists and a coalition of religious parents – who have both argued, from different viewpoints, that it compromises the moral, religious and ethical education of children in Québec, that it is an imposition of the State’s values, and that it takes away a parent’s right

⁵¹ Submission 181, p 4.

⁵² Submission 181, p 8.

⁵³ Submission 181, p 8.

⁵⁴ ‘Berlin Referendum Fails at the Polls,’ *Spiegel Online*, 27 April 2009, accessed 2 May 2012 <www.spiegel.de/international/germany/0,1518,621281,00.html> and ‘Referendum Pits Ethics against Religion’, *Spiegel Online*, 23 April 2009, accessed 2 May 2012 <www.spiegel.de/international/germany/0,1518,620817,00.html>.

⁵⁵ Provincial Government of Quebec ‘Ethics and Religious Culture Program’, accessed 19 January 2012, <www7.mels.gouv.qc.ca/DC/ECR/index_en.php>.

to choose the type of education their children receive.⁵⁶ The program has already survived several legal challenges, including a recent case heard by the Supreme Court of Canada in February 2012, which rejected the right of parents to remove their children from the program.⁵⁷

Should ethics classes continue?

2.50 The most significant issue for this inquiry is whether the effect of the *Education Amendment (Ethics) Act 2010* should be reversed, therefore effectively removing ethics classes from NSW government schools. Stakeholders had varying views on this issue, but predominantly the view of most inquiry participants is that ethics classes should be allowed to continue. The reasons behind these views differed as has been outlined below.

Support for the continuation of ethics classes

2.51 The support for the continuation of ethics classes came from a range of stakeholders. There was understandable support from a number of parents of students undertaking SEE, including school P&C Associations and the Parents4Ethics group, and the volunteer ethics teachers and coordinators.

2.52 Support for the continuation of SEE was also provided by organisations such as the NSW Primary Principals' Association, Australian Centre for Disability Law, Voiceless, the Australian Council of State School Organisations, the Commission for Children and Young People, the Humanist Society and the NSW Council for Civil Liberties.⁵⁸

2.53 Interestingly, the majority of SRE providers advised that while they had opposed the introduction of ethics classes they do not support reversing the legislative amendment. This issue is further examined in paragraphs 2.67 – 2.71.

Support from parents

2.54 The key parent bodies expressed their strong support for the continuation of ethics classes. For example, Parents4Ethics recommended 'that ethics classes are maintained as an alternative to SRE classes, ensuring that children who opt out of SRE classes continue to have this worthwhile option.'⁵⁹

⁵⁶ 'Quebec's disputed religion course before top court', *CBC News*, 18 May 2011, accessed 19 January 2012 <www.cbc.ca/news/canada/montreal/story/2011/05/18/quebec-court.html>.

⁵⁷ Supreme Court of Canada, 'SCC Case Information - Canadian Charter - Freedom of conscience and religion', accessed 2 May 2012, <www.scc-csc.gc.ca/case-dossier/cms-sgd/sum-som-eng.aspx?cas=33678> and 'Quebec students must take ethics-religion course', *CBC News*, 17 February 2012, accessed 2 May 2012, <www.cbc.ca/news/canada/story/2012/02/16/supreme-court-canada-religion-education-challenge.html>.

⁵⁸ Submission 292, NSW Primary Principals' Association; Submission 224, Australian Centre for Disability Law; Submission 227, Voiceless; Submission 294, Australian Council of State School Organisations; Submission 177, Commission for Children and Young People; Submission 183, Humanist Society of NSW; Submission 392, NSW Council for Civil Liberties.

⁵⁹ Submission 134, Parents4Ethics, p 3.

2.55 A number of P&C Associations from NSW government schools who currently offer ethics classes also do not want the legislation that introduced ethics classes into their schools repealed.⁶⁰ For example, the Medowie Public School P&C Association, whose school currently has three ethics classes commented that:

If it was repealed, there would no longer be a legal requirement to offer ethics classes as an option for our children not attending SRE classes. This is concerning and discriminates against those children and it is unacceptable to all the parents, children and NSW community.⁶¹

2.56 The Canterbury Public School P&C Association does not support the repeal of the legislation establishing ethics classes and base this on the right to choose:

Consistent with that right to choose, the Canterbury P&C affirms its support for SRE to continue as a valuable dynamic feature of our school community. The legislation as it currently stands allows parents and families to make informed and appropriate decisions about what is right for their families in areas that pertain to personal and philosophical beliefs. Repealing the sections of the legislation which provide for ethics classes at our school would be counterproductive and discriminate against families that opt out of SRE.⁶²

2.57 Similarly, the Newcastle East Public School Council stated:

If the Education Amendment (Ethics) Act 2010 was repealed there would be a return to a situation where children opting out of SRE have nothing of value to do. This would essentially discriminate against these children and be a great disappointment to our children, teachers and parents, as well as our wider school community. Further, the School Council is of the view that this would erode parent's ability to make decisions affecting their children, a basic right in a liberal democracy.⁶³

Support from SEE teachers, coordinators and students

2.58 SEE teachers and coordinators, who contributed to the inquiry, support the continuation of SEE classes. The valuable contribution made by these volunteer teachers is acknowledged by the Committee. A significant number recommended continuing SEE due to the positive impact they believe it has had on the students undertaking ethics classes.⁶⁴ For example, Ms Leonie Johnson, ethics coordinator, stated:

Most impressive in my mind is the feedback that I have received from our two volunteer ethics teachers. Both teachers have remarked on the students' capacity for deep consideration of the topics, the improvement in their abilities to develop well

⁶⁰ Submission 123, Darlinghurst Public School Parents and Citizens Association, p 4; Submission 186, Randwick Parents and Citizens Association, p 2; Submission 225, North Sydney Demonstration School Parents and Citizens Association.

⁶¹ Submission 94, Medowie Public School Parents and Citizens Association.

⁶² Submission 125, Canterbury Public School Parents and Citizens Association, p 7.

⁶³ Submission 317, Newcastle East Public School Council.

⁶⁴ Submission 228, Mosman Public School Ethics Team; Submission 124, Ms Jenny Stonier; Submission 89, Dr Helen Nicholson; Submission 179, Beecroft Primary School Ethics Program; Submission 378, Dr Sarah Norris; Submission 108, Mrs Tanya Burrows; Submission 53, Ms Megan Luke Guenther Submission 168, Ms Sheng-Wen Wendy Pan.

thought through views, to articulate what they think and to listen to the views of others.⁶⁵

- 2.59** Ms Susan Ashton-Davies, ethics coordinator at Neutral Bay Public School, indicated that she receives a lot of positive feedback from parents about the SEE classes:

I receive a lot of positive feedback about Ethics Classes from parents. Although classes are conducted in a different format to regular classroom activities they report that their children are excited to be part of Ethics classes and are not confused by hearing the different opinions of other children in their group.⁶⁶

- 2.60** Mr Nathan Lee, volunteer ethics teacher, commented that he has seen an improvement in students in his class:

As a volunteer teacher of the course I have witnessed the growth of the class full of children from simple “yes/no” type responses to clearly giving reasons behind their views and considering the ethical concerns of the questions put to them. They have also appeared to have developed a greater empathy along a number of topics (eg homelessness for instance does not get used as a joke by the students after they learned facts about it and had discussions of the implications/causes of it) and I think more self-reflection of their possible actions or views on topics.⁶⁷

- 2.61** Some students themselves advised the Committee of their support for the continuation of ethics classes. For example one ethics class commented:

We are enjoying ethics very much... Overall ethics classes has helped us to see different points of view and showed us how you can change your mind on a topic... We support the continuation of ethics classes.⁶⁸

- 2.62** Other students from ethics classes also indicated their enjoyment of the course and hope that it would continue. For example, one student said:

Every week I look forward to ethics classes. It’s a fun way to talk about morals. Primary Ethics has taught me that there is no right or wrong answer and that it’s ok to change your mind. Some topics that we discuss are stealing, lying, graffiti and being greedy. I really love ethics and hope that I can do it again in the future.⁶⁹

Support from organisations

- 2.63** The NSW Primary Principals’ Association indicated that removing the ethics classes would be a retrograde step for learning options for students:

The repeal of the Education Amendment (Ethics) Act 2010, if this means the removal of the right for schools and parents to offer programs that replace “time-filling”

⁶⁵ Submission 409, Ms Leonie Johnson, p 2.

⁶⁶ Submission 234, Ms Susan Ashton-Davies, p 2.

⁶⁷ Submission 397, Mr Nathan Lee, p 1.

⁶⁸ Submission 73, Years 5/6 Ethics Class.

⁶⁹ Submission 184, Austinmer Public School Parents and Citizens’ Association, p 2.

activities when SRE is either not requested or not available, would be seen by Principals as being a retrograde step in providing learning options for students.⁷⁰

2.64 The Australian Centre for Disability Law ‘strongly supports ethics classes being provided to students in NSW Schools... We therefore urge the Committee to strongly recommend against the repeal of the *Education Amendment (Ethics) Act 2010*.’ The Centre also called for ethics classes to incorporate elements that promote respect and equality for persons with disability.⁷¹

2.65 Animal rights organisation, Voiceless, also supports the continuation of SEE:

... it is imperative that ethics education remains as an alternative to religious education in the NSW syllabus, especially where ethics education appears to be the only program on offer that incorporates animal rights and welfare education for school children in NSW.⁷²

2.66 The Commission for Children and Young People advised that it continues to support the provision of SEE in NSW government schools:

The Commission believes the provision of SEE provides parental choice in finding meaningful alternatives for students who currently do not undertake Special Religious Education (SRE). The proposed Bill [Education Amendment (Ethics Classes Repeal) Bill 2011] seeks to take away something that is already supported by many families whose children do not undertake SRE.⁷³

Support from SRE providers and religious organisations

2.67 A number of SRE providers and religious organisations, who originally opposed the introduction of SEE, now do not believe it would be practicable or publically supported to remove SEE classes.

2.68 Dr Anne Maree Whenam, Chairperson of the NSW Inter-Church Commission on Religious Education in Schools (ICCOREIS), which represents 14 member churches across NSW including the major religious persuasions, indicated that they have reviewed their position in terms of their original opposition to SEE:

Throughout the past 18 months we have reviewed our position in terms of our original opposition to the introduction of special ethics. One of our reasons is our concern for the number of students who are in non-SRE, whose parents nominate for them not to attend SRE classes, and the need for them to be appropriately supervised during that period of time ...We agree that we did oppose it in the pilot period and prior to the enactment of the amendment to the Education Act; however, we now abide by the rules of the umpire. We agree that this is probably a way forward and that we will work within the structure that has now been provided for us.⁷⁴

⁷⁰ Submission 292, p 3.

⁷¹ Submission 224, pp 1-2.

⁷² Submission 227, p 5.

⁷³ Submission 177, p 1.

⁷⁴ Dr Anne Maree Whenam, Chairperson, NSW Inter-Church Commission on Religious Education in Schools, Evidence, 27 February 2012, p 23.

- 2.69** Similarly, the Anglican Church Diocese of Sydney supports the continuation of SEE and does not support the repeal of the legislation. It believes the removal of SEE would cause considerable angst amongst the community:

... we have not seen any evidence that the provision of SEE has had a detrimental effect on the provision of SRE... we believe that repealing the *Education Amendment (Ethics) Act 2010* will create considerable angst within the community. It will anger the hundreds of voluntary teachers and co-ordinators of SEE, not to mention the large number of citizens who have invested heavily in primary Ethics. It will infuriate thousands of parents and teachers. It will not benefit the teachers and supporters of SRE. Quite the contrary. More likely than not, the repeal of the Education Amendment (Ethics) Act 2010, will inspire members of the community who wish to exclude religion altogether from public schools, to step up their campaign to do so.⁷⁵

- 2.70** Mr Jude Hennessy, Liaison Officer of the Catholic Conference of Religious Educators in State Schools (CCRESS), advised that the Catholic Church's initial opposition to SEE has changed as it believes the removal of SEE would create problems for parents and schools:

While the Catholic Church's initial position on the introduction of ethics classes was justified, removal of ethics classes at this point, subsequent to the development of certain curriculum materials and the training of volunteers, would, it is acknowledged by CCRESS, create a new set of problems for parents and schools, and CCRESS and ICCOREIS have made numerous public statements to this effect. Essentially, CCRESS respects the right of parents of students in NSW State schools to opt out of SRE classes and to choose ethics as an alternative to non-scripture.⁷⁶

- 2.71** Mr Hennessy further explained that the removal of SEE could create a negative climate in schools and impact negatively on SRE providers:

We think that would be a retrograde step and we think it would have a negative impact not only on what goes on for those who are currently getting ethics teaching, but also for our SRE teachers. We think it would create a negative climate in schools. We think there would be repercussions for faith providers. They certainly would be seen as taking away something that should be the right of parents to make that choice and we accept that.⁷⁷

- 2.72** The Baptist Union of NSW advised that it is not opposed to the continuation of SEE:

We believe that, for students in NSW, an understanding of their community's own faith background is an important part of their education. However, if a student's parents object to them receiving such teaching, and wish instead for their child to receive teaching in a non-religious worldview such as the ethics course which the law now allows as an alternative in SRE time, we are not opposed.⁷⁸

⁷⁵ Submission 215, Anglican Church Diocese of Sydney, pp 9-10.

⁷⁶ Mr Jude Hennessy, Liaison Officer, Catholic Conference of Religious Educators in State Schools, Evidence, 12 March 2012, p 20.

⁷⁷ Mr Hennessy, Evidence, 12 March 2012, p 32.

⁷⁸ Submission 185, Baptist Union of NSW, p 2.

- 2.73** Mr Khaled Sukkarieh, Chairman of the Islamic Council of NSW stated that the Islamic Council of NSW does not object to the continuation of SEE ‘as long as it is as it was outlined in 2010.’⁷⁹
- 2.74** Dr Michael Jensen, Lecturer, Moore Theological College stated that: ‘I am not in favour of repealing the 2010 amendment to the Education Act at this time’. Dr Jensen elaborated:

I meant I would not necessarily have been in favour of the change in the first place but now the change is here and there has been some experience of the ethics course I think it is an inopportune time to change it. I do not see any great need to change it. If we were concerned about the provision of ethics we will have to wait and see. At some level they are experimenting—by Dr Longstaff’s own admission. It could be down the track that they are unable to staff the courses. That is what I can foresee happening. I think it will be very difficult for them to staff with adequate volunteers the courses that are offered.⁸⁰

Support for removing ethics classes

- 2.75** There were a number of religious organisations and individuals who participated in the inquiry that did not support the continuation of ethics classes in NSW government schools.

Support from religious organisations to remove SEE

- 2.76** The Rock International Church advised that it is very concerned about SEE and submitted ‘that the Ethic Course established in 2010 should be cancelled and the legislation permitting the teaching of a “secular alternative” to Special Religious Education in NSW schools should be repealed.’ The Church believes that the ‘Ethics Course taught in NSW schools is fundamentally flawed in its philosophical foundations, its instruction and its level of complexity.’⁸¹
- 2.77** Similarly, the Antiochian Orthodox Archdiocese of Australian and New Zealand and the Philippines and the Fellowship of Congregational Churches both support the removal of SEE classes in NSW government schools as they feel it undermines and diminishes the importance of SRE.⁸²
- 2.78** The Hunter Baillie Memorial Presbyterian Church ‘strongly urge the repeal of the Ethics class legislation or at least its amendment to make Ethics class available to all at a time other than that available for SRE.’⁸³
- 2.79** Mr Wayne Richards, General Manager of the Presbyterian Church of NSW, indicated that while Presbyterian Youth, the SRE provider for the church, does not support the repeal of the Act, the Presbyterian Church does:

⁷⁹ Mr Khaled Sukkarieh, Chairman, Islamic Council of NSW, Evidence 12 March 2012, p 39.

⁸⁰ Dr Michael Jensen, Lecturer, Moore College, Evidence, 24 February 2012, p 39 and p 41.

⁸¹ Submission 170, The Rock International Church, p 3.

⁸² Submission 303, Antiochian Orthodox Archdiocese of Australian and New Zealand and the Philippines, p 1; Submission 307, Fellowship of Congregational Churches, p 1.

⁸³ Submission 330, Hunter Baillie Memorial Presbyterian Church, p 2.

I drew a distinction between our service provider, who does not want to be seen to be adversarial against the department or the Government, and the reality of the fact that it is law. I represent many others within the Presbyterian Church who say, yes, it would be better it being repealed. In the way it has been brought in, it is contaminated.⁸⁴

2.80 Reverend Dr Ross Clifford, President of the NSW Council of Churches advised that ‘they are not opposed to the repealing of the bill.’ He explained:

That is the wording that the Council itself has determined to use and as their President that is the wording that I would use. They are not opposed to the repealing of the bill. My answer would be personally no, I would not be opposed to the repealing of the bill. If you are going to do ethics you cannot do it independent of some understanding of the broader history of ideas which clearly includes religious study.⁸⁵

Support from individuals to remove SEE

2.81 There were a number of individual submission makers who supported the removal of ethics classes based on arguments that the ethics classes did not properly teach right from wrong and the belief that today’s society has its foundations in Christian values and it is these that should be taught in schools.⁸⁶ For example, Mrs Julie Ditton commented:

Christian values and beliefs based on knowledge of the scriptures has shaped and fashioned much of the morality of this great country. Our whole system of jurisprudence, our Constitution are based upon and interwoven with our Christian belief which all Australians respect and are thankful for.⁸⁷

2.82 Mrs Leigh Austin argued that ethics classes should be sidelined:

No matter what your faith or beliefs are, we are a Christian nation, we have our foundations built on these principals. Today it is only fair that we give children the opportunity to hear about Jesus Christ so that they can make up their own minds. Ethics are taught in the scripture classes as all good, fair and right living comes out of the bible. It seems very significant that now we have classes run as an alternative with Christ missing... I am looking forward to seeing a call back to Scripture and the ethics classes to be sidelined...⁸⁸

2.83 Some inquiry participants suggested that SEE classes should be discontinued based on the belief that the course does not teach right from wrong.⁸⁹ For example, Ms Barbara Bell stated:

⁸⁴ Mr Wayne Richards, General Manager, Presbyterian Church of NSW, Evidence 12 March 2012, p 53.

⁸⁵ Reverend Dr Ross Clifford, President, NSW Council of Churches, Evidence, 12 March 2012, p 46.

⁸⁶ Submission 39, Mrs Elizabeth M Noble; Submission 149, Ms Robyn Were; Submission 302, Mr Garry and Mrs Jenny Sambrook; Submission 416, Mrs J Pano.

⁸⁷ Submission 164, Mrs Joyce Ditton.

⁸⁸ Submission 201, Mrs Leigh Austin.

⁸⁹ Submission 79, Mr Colin Nelson; Submission 152, Dr Louise Holliday; Submission 159 Ms Kerrie Worboys; Submission 308, Mrs Lyn and Mr Cliff Bennett; Submission 385, Ms Prue Duignan; Submission 61, Ms Lambert.

I write in support of the cancellation of the ALP Green Bill which established the Ethics Courses in NSW Government schools. The reasons for my concerns about this Ethics Course are, firstly, it is atheistic – does not mention God, Jesus or the Bible, the course does not teach students what is right or wrong, promoting secular humanism, and situation ethics, relativism...⁹⁰

- 2.84** Also based on the belief that SEE classes are not teaching right from wrong, some inquiry participants suggested these classes should not be offered as an alternative to, or at the same time as SRE. For example, Mr Peter and Mrs Helen Kidd stated:

The course does not teach the difference between right and wrong... Just as no alternative study should be offered as an alternative to Maths periods, so the same should be applied to SRE... By all means have ethics classes in schools but not in competition with Scripture.⁹¹

- 2.85** Dr James Athanasou commented that in his view ethics classes have ‘no logical or educational place in the time allocated for special religious education’ and believes that ‘there may be long-term implications when secular groups are allowed to make inroads into areas of faith.’ Dr Athanasou further stated that:

To accept ethics classes is to betray the principle of special religious education as a key component of general education. To accept ethics classes downgrades the unique position of special religious education in NSW.⁹²

- 2.86** In addition, Dr Stephen Fyson supported the repeal of the Act as in his opinion SEE ‘is not doing what it is purporting to do. It is not an equivalent replacement to SRE.’⁹³

Consequences of removing ethics classes

- 2.87** A few stakeholders highlighted the possible consequences of removing SEE classes in NSW government schools. For example, Mr David Hill, parent and member of Parents4Ethics suggested there would be strong opposition if the ethics classes were removed from schools:

If you consider repealing this provision, which is tantamount to outlawing ethics classes because that would be the intent of the amendment, you would be meeting ferocious opposition from parents right across the State. Because we come here confidently in the knowledge that we represent the overwhelming views of parents of children in State schools in New South Wales.⁹⁴

- 2.88** Mr Sukkarieh, of the Islamic Council of NSW, also highlighted the importance of considering the negative impact of removing ethics classes on current SEE students:

The Council had quite a time trying to work out are we in favour or are we not in favour. A lot of reasons go into making a decision. Some of it is: If you did repeal something like that what happens to the current people who are already enrolled?

⁹⁰ Submission 77, Ms Barbara Bell.

⁹¹ Submission 75, Mr Peter and Mrs Helen Kidd.

⁹² Submission 187, Dr James Athanasou, p 10.

⁹³ Dr Stephen Fyson, Evidence, 24 February 2012, p 47.

⁹⁴ Mr David Hill, parent and member, Parents4Ethics, Evidence, 24 February 2012, p 8.

What are the negative impacts? What is the backlash? You do not want to cause a negative. We truly believe that the scripture and the ethics program should be two separate programs.⁹⁵

- 2.89** Possible consequences of repealing the legislation were outlined by DEC including the impact on SEE students and their parents:

Ethics classes provide an important choice for NSW public school parents whose children do not participate in special religious education. A repeal of the amendment will affect 150 schools if the program is discontinued and alternative arrangements will be required for approximately 3,100 students who currently attend ethics classes. The repeal of the legislation would be a significant issue for the supporters of ethics including the Parents4Ethics group. Parents who have made a decision for their children to attend ethics classes are likely to strongly oppose a repeal of the amendment.⁹⁶

- 2.90** Earlier comments in paragraphs 2.67 – 2.71 made by SRE providers also point to the possible negative impact the removal of ethics classes could have specifically on them.

Committee comment

- 2.91** The Committee acknowledges the arguments of both sides of the debate, those that would like to see ethics classes continue and those that would like to see ethics classes removed from NSW government primary schools.
- 2.92** The Committee recognises that SEE is in its infancy and, at this stage, is only delivered to a relatively small number of students. However, the level of positive feedback and support from students and parents of students undertaking the course is very encouraging.
- 2.93** We also acknowledge that many SRE providers and religious organisations, who were originally opposed to the introduction of SEE, now do not want to see the ethics classes removed from NSW government primary schools.
- 2.94** Also, we have received evidence from these SRE providers that the introduction of SEE has only had a small impact on SRE student numbers which is discussed in Chapter 4.
- 2.95** Having weighed up the opinions of inquiry participants, we recommend that the NSW Government continue to facilitate the delivery of SEE in NSW government primary schools as an option for students who do not attend SRE. By this we mean that section 33A of the *Education Act 1990* that allows for SEE classes in NSW government schools should not be repealed.
- 2.96** The Committee notes that a review of both SEE and SRE is proposed in Recommendation 14 of this report.

⁹⁵ Mr Sukkarieh, Evidence, 12 March 2012, p 39.

⁹⁶ Submission 181, p 9.

Recommendation 1

That the NSW Government:

- Not seek to repeal section 33A of the *Education Act 1990* that allows for Special Education in Ethics classes in NSW government schools; and
 - Continue to facilitate the delivery of Special Education in Ethics in NSW government primary schools as an option for students who do not attend Special Religious Education.
-

2.97 We note that inquiry participants have raised a number of issues regarding the delivery and implementation of SEE and these are addressed in the upcoming chapters.

Recognition of SRE and the contribution of volunteers

2.98 The Committee acknowledges the valuable contribution SRE makes to NSW government schools and supports the comments made by Mr Hennessy of CCRESS who highlighted the important and significant role of SRE:

The provision of SRE classes in DEC schools has, since 1980, been a strength of New South Wales public education. The parents of hundreds of thousands of students choose to send their sons and daughters to public schools in the firm knowledge that quality SRE teaching will be available to inform children in the religious faith tradition of their family. Special religious education has contributed to the formation of young people not only in their faith but as good citizens. It is a strength of public education that we believe should be enhanced.⁹⁷

2.99 The Committee notes the fears of some stakeholders who believe that the introduction of SEE has been a move to downgrade the importance of SRE. We do not believe that this is the case and we adamantly support the continuation of SRE in NSW government schools.

2.100 Another area that has the robust support of the Committee is the continuous and professional contributions made by volunteers of both SRE and SEE. Without these volunteers the classes in both SRE and SEE would not be possible. This significant contribution of community goodwill was highlighted by the Anglican Church Diocese of Sydney:

While SRE and SEE delivered by voluntary members of the community for a small amount of time each week may save the government a small amount of money in terms of teacher salaries, it also represents a massive amount of social capital and community goodwill and this should not be summarily discarded.⁹⁸

2.101 The Committee is of the view that SRE and SEE can operate alongside each other in NSW government schools to the benefit of all students who are the key stakeholders in this debate.

⁹⁷ Mr Hennessy, Evidence, 12 March 2012, p 21.

⁹⁸ Submission 215, p 12.

Chapter 3 Implementation of Special Education in Ethics

This chapter analyses the implementation of Special Education in Ethics (SEE) following the 2010 legislative amendment that allowed SEE as an alternative to Special Religious Education (SRE) in NSW government schools. Detailed consideration is given to: Primary Ethics which is the sole provider of SEE in NSW government schools; the SEE curriculum developed by Primary Ethics; and issues pertaining to the implementation of SEE identified in evidence presented to the Committee. The chapter's recommendations have been developed to help improve the implementation of SEE in NSW government schools.

Primary Ethics – the provider of Special Education in Ethics

3.1 Primary Ethics was established in November 2010 by the St James Ethics Centre to provide SEE in NSW government schools.⁹⁹ Currently, Primary Ethics is the single provider of SEE in NSW government schools.

The organisation and its objectives

3.2 Primary Ethics' objectives are outlined in its constitution and are as follows:

- a) provide philosophical ethics education to children in New South Wales public schools who do not attend special religious classes;
- b) develop an engaging ethics curriculum and learning/teaching materials that are age appropriate and deliverable to urban, regional and rural schools;
- c) provide a developed curriculum and learning/teaching materials for use by faith groups, to use 'as is' or to amend in accordance with the frameworks of their particular religions;
- d) manage quality control over the ethics curriculum content and its delivery;
- e) attract, select, recruit and train suitable volunteer ethics teachers;
- f) coordinate the curriculum delivery via volunteer ethics teachers;
- g) provide a mechanism for receiving and reacting to complaints relating to the provision of ethics education; and
- h) to carry out such other functions and purposes which are necessary or incidental to the other objects of the company, on the basis that the company operates as a not-for-profit company.¹⁰⁰

3.3 Further to its objectives Primary Ethics' mission is to:

⁹⁹ Submission 156, Primary Ethics, p 5.

¹⁰⁰ Submission 156, p 5.

...support and encourage students to develop their moral reasoning and critical thinking skills, providing them with a lifelong capacity to make ethical judgments, and to act reasonably and responsibly. In the process we will enhance the ethical thinking of and decision-making abilities of more than 4,300 volunteers each year.¹⁰¹

- 3.4** Primary Ethics delivered its first ethics class at Ferncourt Public School (located in South Marrickville, Sydney) in February 2011. The organisation currently has two paid employees and 470 volunteers, and is teaching SEE to approximately 4,400 students in Years 5 and 6 (Stage 3) in 166 schools across NSW.¹⁰²
- 3.5** Primary Ethics intends to extend its offering of SEE to students in Years 3 and 4 by July 2012, in Years 1 and 2 by July 2013, and to Kindergarten students by July 2014.¹⁰³ By 2017, Primary Ethics hopes to offer SEE to approximately 65,000 students in 800 schools and in doing so is aiming to grow its volunteer base to over 4,300.¹⁰⁴
- 3.6** Primary Ethics is led by a board of six directors. The directors have backgrounds in areas including ethics, education, community engagement, strategy, finance, fund raising and risk management.¹⁰⁵

Funding provisions

- 3.7** Primary Ethics is a not-for-profit public company limited by guarantee, has an Australian Business Number (ABN) and has Tax Concession Charity (TCC) status. Primary Ethics receives funding exclusively from private sector donors and has an application for listing as an organisation which can receive income tax deductible gifts and deductible contributions – a deductible gift recipient (DGR) – currently before the Australian Government.¹⁰⁶
- 3.8** Primary Ethics estimates that to develop and implement the Kindergarten to Year 6 SEE Curriculum by mid 2014, and build the organisational capacity required to meet its growth targets by 2017, it will need \$745,000 in 2012, \$840,000 in 2013 and \$945,000 in 2014.¹⁰⁷
- 3.9** In outlining how it would obtain the required funds Primary Ethics advised that it doesn't receive public funding nor would it seek direct financial support from government in the future.¹⁰⁸ Further, the organisation believes that the acquisition of DGR status would greatly assist its efforts to raise funds as it would allow private sector supporters to make tax deductible donations. In this regard, Dr Simon Longstaff, Executive Director, St James Ethics Centre, and Primary Ethics board member, stated:

We receive no government funding. We do not expect it because that would be to treat us differentially. It cannot be provided to faith groups because that would breach

¹⁰¹ Submission 156, p 5.

¹⁰² Ms Leith Brooke, Executive General Manager, Primary Ethics, Evidence, 24 February 2012, p 14.

¹⁰³ Submission 156, p 12.

¹⁰⁴ Submission 156, p 7.

¹⁰⁵ Submission 156, p 6.

¹⁰⁶ Submission 156, p 5.

¹⁰⁷ Submission 156, p 16.

¹⁰⁸ Ms Brooke, Evidence, 12 March 2012, p 66.

the secular divide. We do not expect any government funding. What we do hope is that Primary Ethics will enjoy the same tax status as the faith groups. If we did, we would automatically receive deductible gift recipient status for donations. Primary Ethics cannot get that automatically; it has to be specially listed. An application has been made to the Commonwealth to grant that status. Otherwise, most of the sources of funding, which comes from the private sector, cannot provide it under the existing rules. It is critical that that be addressed by the Commonwealth.¹⁰⁹

- 3.10** Mr Jude Hennessy, Liaison Officer, Catholic Conference of Religious Educators in State Schools (CCRESS), held a similar view to that of Dr Longstaff noting that if Primary Ethics were to receive direct government funding it would unfairly privilege SEE over SRE. In this regard Mr Hennessy stated that:

...part of the reason CCRESS withdrew our opposition to ethics classes was the fact that it would be provided at that same no cost to government as religious providers provide religious education in that timeslot.¹¹⁰

- 3.11** The importance of Primary Ethics attaining funding was also highlighted by Adjunct Associate Professor Philip Cam, School of Humanities, University of NSW, who developed the trial 2010 SEE curriculum and was a former Primary Ethics board member.¹¹¹ Adjunct Associate Professor Cam, in raising concerns about Primary Ethics' ability to create a professionally developed curriculum without the finances required to recruit the relevant range of expertise, stated:

I do not think that Primary Ethics has the capacity to do it—not to date. I think they are seeking charitable status and if they achieve that they may get the funding that they need to do this properly but I think that is all in the lap of the gods, as it were.¹¹²

- 3.12** Parents4Ethics noted Adjunct Associate Professor Cam's concerns about resources but argued that: 'If they are given charitable status they will have the resources needed to support that [curriculum] team on an ongoing basis.'¹¹³

Committee comment

- 3.13** The Committee strongly supports quality teaching and education outcomes for all students in NSW government schools.
- 3.14** The Committee notes the argument that if Primary Ethics were to have DGR status then it would likely be better placed to seek the funding necessary to achieve its objectives, thus benefitting current and future SEE students.

¹⁰⁹ Dr Simon Longstaff, Executive Director, St James Ethics Centre, Evidence, 24 February 2012, p 29.

¹¹⁰ Mr Jude Hennessy, Liaison Officer, Catholic Conference of Religious Educators in State Schools, Evidence, 12 March 2012, p 26.

¹¹¹ Adjunct Associate Professor Philip Cam, School of Humanities, University of NSW, Evidence, 27 February 2012, p 2.

¹¹² Adjunct Associate Professor Cam, Evidence, 27 February 2012, p 3.

¹¹³ Answers to additional questions on notice, 24 February 2012, Parents4Ethics, Question 1.

- 3.15** The Committee recommends the maintenance of the current situation where neither providers of SEE or SRE receive direct financial support from the Government; and that the Department of Education and Communities (DEC) publish on its website information advising that SEE and SRE are not government funded.
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Recommendation 2

That the NSW Government maintains the current situation where neither providers of Special Education in Ethics or Special Religious Education receive direct financial support from the Government; and that the Department of Education and Communities publish on its website information advising that the provision of Special Education in Ethics and Special Religious Education are not government funded.

The Special Education in Ethics Curriculum

- 3.16** The terms of reference for this inquiry ask the Committee to examine, among other matters, the curriculum for SEE classes.
- 3.17** At the time of the inquiry, Primary Ethics had finalised the SEE Curriculum and supporting teaching materials for Terms 1 and 2 for Year 6, and Terms 3 and 4 for Year 5.¹¹⁴ This reflects Primary Ethics' progress in firstly introducing ethics classes to students in Years 5 and 6 in July 2011, and then working to its timetable to make ethics classes available to students in all primary grades by July 2014. Subsequently, it should be noted that the ability of the Committee to review the SEE Curriculum was limited in the sense that Primary Ethics had not finalised its full suite of teaching materials.
- 3.18** Nonetheless, the Committee had the benefit of a large number of submissions and the opportunity to question key stakeholders during the hearings in order to examine the SEE Curriculum for Years 5 and 6. The Committee also reviewed the SEE Curriculum against Primary Ethics' progress to date in achieving its stated organisational objectives.
- 3.19** In reviewing the Curriculum the Committee noted the argument of Dr Bryan Cowling, Executive Director, Anglican Education Commission, Diocese of Sydney, that a curriculum must not only be considered insofar as it relates to a defined and prescribed course of study, but that attention must also be given to its enactment, namely the quality of interaction between teacher and student.¹¹⁵
- 3.20** As part of the review process the Committee made site visits to Summer Hill Public School on 22 March 2012 and Ultimo Public School on 26 April 2012. The site visits provided Committee Members with the opportunity to witness the delivery of ethics classes first hand and were consistent with Dr Cowling's view in that when examining a curriculum emphasis must be given to the interactions between teacher and student.

¹¹⁴ Ms Brooke, Evidence, 24 February 2012, p 25.

¹¹⁵ Dr Bryan Cowling, Executive Director, Anglican Education Commission, Diocese of Sydney, Evidence, 27 February 2012, p 46.

Curriculum outline

- 3.21** Given the small timeframe between the December 2010 legislative change that allowed SEE in NSW government schools and the beginning of the 2011 school year, for Terms 1 and 2 Primary Ethics used an adapted model of Adjunct Associate Professor Cam's trial curriculum. Primary Ethics no longer uses Adjunct Associate Professor Cam's material and has since commenced work in developing a Curriculum Framework spanning Kindergarten to Year 6.¹¹⁶
- 3.22** Voluntarily written by Dr Sue Knight and Dr Carol Collins, academics with expertise in philosophy and education,¹¹⁷ the Curriculum Framework sequentially lists and then briefly summarises the individual topics to be taught to SEE students as they progress through each primary school stage.¹¹⁸ A copy of the Curriculum Framework is at Appendix 5.
- 3.23** The Curriculum Framework also stipulates that individual topics are to be taught over a period of two or more lessons and will be supported by teaching materials including: stimulus materials such as purpose-written scenarios and case studies; student-centred activities; exercises and discussion plans; and explanatory teaching notes.¹¹⁹
- 3.24** According to Dr Knight, the Curriculum Framework emphasises the importance of rational thought and rational argument in coming to understand the difference between right and wrong, and good and bad in particular situations.¹²⁰ Complementing this notion are two principles:
- A rejection of moral relativism. Moral relativism is the view that there is no absolute or universal moral truth, that morality is relative to each culture group or individuals. Primary Ethics rejects this view and asserts that there is such a thing as a moral truth and that it is possible to make moral decisions on good grounds.¹²¹
 - Opposition to the blind acceptance of moral authority. Primary Ethics argues that moral truth needs to be approached through the processes of rational decision-making as opposed to blinding accepting moral authority.¹²²
- 3.25** Regarding the application of the term 'ethics' within the SEE Curriculum, Dr Longstaff stated:
- ...ethics by its very definition, at least in the Greek tradition going back to Socrates, is about an examined life; it is about reflective practice. Everything about this program is to encourage that kind of reflective practice within a range of different modes...¹²³
- 3.26** Following the preparation of the Curriculum Framework, Primary Ethics in December 2011 contracted Dr Knight as the lead author to complete the lessons to populate each stage of the curriculum framework for 2012-2014.¹²⁴

¹¹⁶ Submission 156, p 12.

¹¹⁷ Dr Sue Knight, Curriculum Consultant, Primary Ethics, Evidence, 12 March 2012, p 58.

¹¹⁸ Submission 156, Appendix: 'Primary Ethics Framework'.

¹¹⁹ Submission 156, Appendix: 'Primary Ethics Framework'.

¹²⁰ Dr Knight, Evidence, 12 March 2012, p 64.

¹²¹ Submission 156, p 14 and Dr Knight, Evidence, 12 March 2012, p 64.

¹²² Submission 156, p 14.

¹²³ Dr Longstaff, Evidence, 24 February 2012, pp 19-20.

- 3.27** A recurring issue amongst inquiry participants was the existence of some confusion regarding the composition of the Primary Ethics Curriculum, namely whether the Curriculum Framework represented the whole curriculum.¹²⁵
- 3.28** In seeking to clarify, Primary Ethics distinguished between the Curriculum Framework and the teaching materials (those developed by Dr Knight in her role as lead Curriculum author) that populate the lessons within the framework, with Dr Longstaff stating:
- The distinction is between the curriculum which is a framework, and the teaching materials, the lessons.¹²⁶
- 3.29** Dr Longstaff advised that the Curriculum Framework was publically available on the Primary Ethics website but the teaching materials were not made public due to quality control concerns:
- The reason for that is that we have been cautious not simply to take all of the lessons lock, stock and barrel and just dump them onto the website because then they would be available to be used in a context beyond that which we could adequately control...Just to put up there would be, I think, irresponsible.¹²⁷
- 3.30** Access to the SEE Curriculum is an issue examined in further detail later in the chapter.

Class delivery

- 3.31** Ethics classes are delivered by local volunteers with Primary Ethics' central office responsible for curriculum and program development, quality control and support.¹²⁸
- 3.32** Prior to teaching students, each volunteer teacher undertakes an online training course and receives two days of face-to-face training.¹²⁹
- 3.33** Each class has on average 15-17 students, with 22 set as the maximum. Classes are delivered once a week (with the school year comprising 40 weeks) and run for 30-45 minutes. Three topics from the Curriculum Framework are considered each term, with each topic taught for approximately one hour in total.¹³⁰
- 3.34** Students engage in dialogue around the relevant topic taken from the Curriculum Framework, and are guided both by questioning from the volunteer teacher and resources designed to stimulate thought and discussion.¹³¹

¹²⁴ Submission 156, p 12

¹²⁵ Mr Peter Adamson, Deputy Chairperson, NSW Inter-Church Commission on Religious Education in Schools, Evidence, 27 February 2012, p 27; Dr Cowling, Evidence, 27 February 2012, p 50.

¹²⁶ Dr Longstaff, Evidence, 24 February 2012, p 25.

¹²⁷ Dr Longstaff, Evidence, 24 February 2012, p 25.

¹²⁸ Submission 156, p 8.

¹²⁹ Submission 156, p 10.

¹³⁰ Submission 156, pp 9-10.

¹³¹ Submission 156, Appendix: 'Primary Ethics Framework'.

- 3.35** Detailed examination of volunteer teacher recruitment, training and support can be found in Chapter 4.

Age appropriateness

- 3.36** There was a concern amongst some inquiry participants regarding the age appropriateness of ethics classes, and the curriculum developed by Primary Ethics, for primary school students.

- 3.37** For example, in considering the effectiveness of SEE in helping the processes through which young people become ethically mature, Dr Bernadette Tobin, Director, Plunkett Centre for Ethics and Associate Professor and Reader, Australian Catholic University, argued:

The Framework itself is not sufficiently attentive to the structure of moral development.¹³²

- 3.38** Dr Tobin made her point in reference to the teachings of Aristotle who argued that development towards moral maturity comes in stages.¹³³ Acknowledging Aristotle's premise that a child must first learn how to behave well prior to engaging in ethical reflection, Dr Tobin reasoned that:

Only when the young person has acquired settled habits of behaviour is he or she in a position to benefit from a study of ethics.¹³⁴

- 3.39** Using the topic of *Friendship* taken from the Primary Ethics Kindergarten Curriculum Framework to illustrate her point, Dr Tobin stated:

...You need to have acquired habits of friendliness before you are well placed to understand the point (the value) of friendship and thus to be able to think well about 'dilemmas' associated with being a friend...The classes may well foster discussions of the value and the demands of friendship amongst children who have not only had no experience of the real thing but whose capacity for friendship has been corrupted by an upbringing which encouraged them to think of friendship as an opportunity to manipulate others. Discussion won't do much good for that child.¹³⁵

- 3.40** In effect, Dr Tobin's concern, which she acknowledges as being conceptual rather than empirical,¹³⁶ is that:

...if you encourage children to think in those [ethical] ways before they have got that first stage, that background, you run the risk of teaching them to be sceptical about right and wrong.¹³⁷

¹³² Submission 203, Plunkett Centre for Ethics, p 4.

¹³³ Submission 203, p 1.

¹³⁴ Submission 203, p 1.

¹³⁵ Answers to additional questions on notice, 24 February 2012, Dr Bernadette Tobin, Director, Plunkett Centre for Ethics, Question 1.

¹³⁶ Answers to additional questions on notice, 24 February 2012, Dr Tobin, Question 1.

¹³⁷ Dr Tobin, Evidence, 24 February 2012, p 33.

- 3.41** Adjunct Associate Professor Cam was another who raised concerns about the age appropriateness of the Primary Ethics Curriculum. Referring to topics in the Curriculum Framework, including *Children's Rights: Child Labour* (which considers a case example of children working in cocoa plantations in western Africa) to be taught to Year 3 students and *Pride: When do we have the right to be proud* (here students consider the kinds of things we have a right to be proud of) to be taught to Year 2 students, Adjunct Associate Professor Cam argued that these are not age-appropriate and would not have been developed by people with what he views as having the required levels of expertise.¹³⁸
- 3.42** Adjunct Associate Professor Cam stressed that for SEE to be age-appropriate in scope and sequence those developing the Curriculum must have a range of relevant expertise. Adjunct Associate Professor Cam asserted that this requires:
- ...people who have a background in early childhood education, people with appropriate developmental understanding and qualifications, knowledge of the classroom, as well as people with a background in ethics and pedagogy.¹³⁹
- 3.43** Adjunct Associate Professor Cam expanded his critique when referring to the first topic for Kindergarten students in the Curriculum Framework, entitled, *Thinking together*, stating:
- When children are beginning school in kindergarten and they come along to their first lessons in the topic "Thinking together"...they begin with the topic of asking good questions. That is a very fine topic except anyone who knows about early childhood education knows, of course, that little kids can ask plenty of questions but if the classroom task demand is to ask a question, then most of the kids in that class would not be able to do that. That is where they start. So the business of being able to ask a question is something that actually requires some serious work when that is a task demand in the classroom. To begin with asking good questions, seemingly innocent as that is, that is very poorly placed right there at the beginning of kindergarten.¹⁴⁰
- 3.44** In considering SEE's age appropriateness, Dr Cowling noted that the Anglican Education Commission had received feedback from very experienced Stage 1E–Stage 1 teachers expressing doubts as to whether:
- ...inexperienced professional teachers with no prior training in philosophy [can] teach some of these lessons well, let alone the non-professional and minimally trained voluntary teachers Primary Ethics Ltd hopes to recruit...We would also want to say that it is not only the capacity of the students to think in this way but the capacity of each individual teacher to do so. A great deal rests on their shoulders.¹⁴¹
- 3.45** In relating the teachers' apprehension Dr Cowling acknowledged that similar concerns could be applied to the examination of certain concepts in SRE taught by voluntary teachers, and indicated that the Commission's concerns applied specifically to Kindergarten – Year 4:

¹³⁸ Adjunct Associate Professor Cam, Evidence, 27 February 2012, p 7.

¹³⁹ Adjunct Associate Professor Cam, Evidence, 27 February 2012, p 2.

¹⁴⁰ Adjunct Associate Professor Cam, Evidence, 27 February 2012, p 7.

¹⁴¹ Answers to additional questions on notice, 27 February, Dr Bryan Cowling, Executive Director, Anglican Education Commission, Question 5.

Similar comments could be made about the teaching of certain theological concepts by voluntary teachers of SRE to students in K-4. It would be helpful to observe some voluntary teachers of SEE teaching a number of the proposed lessons to students in Kindergarten to Year 4 before SEE is extended to these grades. We don't have the same reservations about the capacity of Grade 5 and 6 children but it would be helpful to see such classes in action to verify this.¹⁴²

- 3.46** In addressing the concerns highlighted by certain inquiry participants, Primary Ethics' curriculum author Dr Knight rejected Dr Tobin's premise that children do not have the capacity to engage in nuanced ethical thinking, stating:

Associate Professor Tobin offers no evidence for the claim and I know of none. Even if she is right, research shows that children move from the unreflective stage early and certainly before the age of five. Her argument, while interesting, does not seem relevant here.¹⁴³

- 3.47** Dr Knight responded to Adjunct Associate Professor Cam's concerns by agreeing with his point that those responsible for curriculum development must have a range of relevant expertise, however she disagreed with him that Primary Ethics had failed to secure the expertise required:

What is required, Associate Professor Cam argues, is a group of people who together have early childhood expertise, expertise in child development, knowledge of classrooms and of ethics and pedagogy. We agree with him. We do not agree that Primary Ethics has failed to secure this range of expertise... Together, and with the advantage of generous input from colleagues, Dr Collins and I have the expertise Associate Professor Cam rightly identifies as necessary for the writing of a professional K to six curriculum framework.¹⁴⁴

- 3.48** Dr Knight then argued that, regarding the capacity of children to engage in higher level thinking:

...one of the big breakthroughs in understanding developments in children's thinking came with the recognition that children can only engage in higher order thinking about a topic if they have an appropriate knowledge base. To build children's thinking we must also build their knowledge and this is the approach we have taken in designing this curriculum.¹⁴⁵

- 3.49** Primary Ethics' submission outlines the stages through which the Curriculum Framework and teaching materials are reviewed, which includes submission of the lessons to DEC for age appropriateness approval:

Board Curriculum Committee (Chaired by Dr Simon Longstaff of St James Ethics Centre) reviews lesson and provides feedback to curriculum author.

Curriculum Author (Dr Sue Knight) updates lessons to incorporate this feedback.

¹⁴² Answers to additional questions on notice, 27 February, Dr Cowling, Question 5.

¹⁴³ Dr Knight, Evidence, 12 March 2012, p 58.

¹⁴⁴ Dr Knight, Evidence, 12 March 2012, p 59.

¹⁴⁵ Dr Knight, Evidence, 12 March 2012, p 59.

Lessons submitted to Department of Education and Communities for age appropriateness approval.

DEC recommendations are incorporated into lessons.

Revised lessons submitted for approval to the Primary Ethics board.

Instructional design reviewed and classroom resources prepared in consultation with Curriculum Author.

Curriculum Author runs train-the-trainer sessions.

Ongoing process of facilitated feedback from teachers and trainers and periodical review of curriculum content. The Board Curriculum Committee, Chaired by Dr Longstaff reviews lessons and provides feedback to the Curriculum Author.¹⁴⁶

3.50 Commenting on the processes used by Primary Ethics and its own involvement in reviewing the Curriculum Framework and teaching materials, DEC noted that:

The Department's role in the development of the curriculum is to ensure that the curriculum meets current policy and practices. The Department also provides feedback regarding the age appropriateness of course content. All feedback to date has been acknowledged and incorporated into subsequent drafts.¹⁴⁷

Committee comment

3.51 The Committee acknowledges that in the evidence presented during the inquiry there is a divergence of views as to whether Primary Ethics' Curriculum Framework and teaching materials are age appropriate. The Committee also notes that it does not possess the expertise to make its own assessment as to whether Primary Ethics' Curriculum Framework and teaching materials are age appropriate.

3.52 The Committee strongly supports DEC's involvement in reviewing the age appropriateness of the Curriculum Framework and teaching materials, and welcomes the Department's advice that to date Primary Ethics has acknowledged and incorporated all its feedback into subsequent drafts.

3.53 If in future other organisations are to provide ethics classes in NSW government schools (an issue discussed later in this chapter), it is the Committee's expectation that DEC would continue to take an active role in reviewing the age appropriateness of all relevant curriculum and teaching materials.

3.54 The Committee recommends that DEC continue to review the age appropriateness of all relevant SEE curriculum and teaching materials.

¹⁴⁶ Submission 156, p 12.

¹⁴⁷ Submission 181, Department of Education and Communities, p 4.

Recommendation 3

That the Department of Education and Communities continue to review the age appropriateness of the Special Education in Ethics curriculum and teaching materials.

Access to the SEE Curriculum

- 3.55** An issue that received considerable attention during the inquiry and one which is briefly referred to in an earlier section of this chapter, was access to Primary Ethics' curriculum materials.
- 3.56** As detailed earlier, Primary Ethics distinguishes between the Curriculum Framework (publicly available on its website) and the teaching materials that populate the lessons within the framework (which are not available on the website), and this had created some confusion concerning what was actually being taught in ethics classes.
- 3.57** Some inquiry participants raised concerns about Primary Ethics' decision not to disclose its entire curriculum. These include the argument that the lack of disclosure helped create an unnecessarily acrimonious debate concerning the introduction of ethics classes, and that not enough detail has been provided to allow people to make reasoned assessments of the SEE Curriculum.
- 3.58** The Rev Dr Michael Jensen, Lecturer in Theology, Moore Theological College, referring to the heated public debate about the introduction of SEE argued that it:
- ...was not helped by the unwillingness of those proposing the SEE programme to offer their syllabuses to scrutiny and public comment.¹⁴⁸
- 3.59** Mr Wayne Richards, General Manager, Presbyterian Church of NSW, was another inquiry participant to take issue with the non-disclosure of all SEE curriculum materials and he stated that:
- ...the special education in ethics curriculum detail remains elusive...with only very general outlines and objectives available. We feel this is not acting with full transparency and demonstrates contempt for families in New South Wales. If it were a financial product the Australian Prudential Regulation Authority [APRA] would probably prohibit it because of a lack of disclosure...¹⁴⁹
- 3.60** As outlined earlier, Primary Ethics' reason for not making the teaching materials publicly available is guided by a desire to control their use.¹⁵⁰
- 3.61** Primary Ethics further added that it does provide all its curriculum materials to SRE providers on request:

¹⁴⁸ Submission 202, Rev Dr Michael Jensen, p 3.

¹⁴⁹ Mr Wayne Richards, General Manager, Presbyterian Church of NSW, Evidence, 12 March 2012, p 50.

¹⁵⁰ Dr Longstaff, Evidence, 24 February 2012, p 25.

What we do for those that are thinking about using it, like the faith groups, they get all of that other material. They get more than just what happens to be on the website.¹⁵¹

3.62 This is consistent with Primary Ethics' organisational objective (referred to at the beginning of the chapter) to provide curriculum materials for use by SRE providers, to use 'as is' or to amend in accordance with the frameworks of their particular religions.

3.63 In a submission that argued in favour of public access to the SEE curriculum, Mrs Beryl M Sewell wrote:

The course content is not open in the curriculum. Why secrecy, we should all be aware [about] what is being taught to our children. I was a Queensland State school teacher and the whole curriculum was in my hand – open to all.¹⁵²

3.64 Some participants raised the same point as Mrs Sewell in relation to SRE, for example, Mr Darren Friend a parent, who in his submission wrote about the difficulties he faced in accessing information regarding SRE, noted:

I asked for information on the class but was told that by law the teachers are not allowed to comment on the Scripture classes. So it was that we enrolled our son in a randomly chose Christian sect for scripture with no idea of the content, who would teach, what would be taught.¹⁵³

3.65 Dr Cowling advised that DEC hadn't previously required SRE providers to make their materials publically available, and that the Department had only recently asked SRE providers to post their respective curriculum or curriculum outlines online:

The Department over time has never required SRE providers to provide it with curriculum, if I call curriculum the syllabuses and documents. At the end of each year it asks the providers to give an assurance that the people who are approved to teach its particular religious education are following whatever that particular persuasion said is to be the case....At the end of last year I am pleased that the Department asked each provider to nominate a website on which the public could access their curriculum or outlines of their curriculum or give parents information that would enable them to make a judgement as to whether they want their children to go to SRE...We are not suggesting everybody has to print a copy of the syllabus and give it to every parent, but I think parents need to know where to go.¹⁵⁴

3.66 As confirmed by DEC the request regarding public access to curricula, to which Dr Cowling refers, was included in a letter it sent in November 2011 to all approved SRE providers:

...advising that as part of the revised policy and procedures they were required to provide online access to their curriculum and/or curriculum outline.¹⁵⁵

¹⁵¹ Dr Longstaff, Evidence, 24 February 2012, p 25.

¹⁵² Submission 85, Mrs Beryl M Sewell pp 1-2.

¹⁵³ Submission 2, Mr Darren Friend, p 1.

¹⁵⁴ Dr Cowling, Evidence, 27 February 2012, p 48.

¹⁵⁵ Answers to questions taken on notice during evidence, 27 February 2012, Ms Cheryl Best, General Manager, Learning and Development, Department of Education and Communities, pp 5 and 8.

3.67 The policy and procedures mentioned in the above statement refer to work undertaken by DEC in revising the Religious Education Policy and the *Religious Education Implementation Procedures* (which outline the requirements and responsibilities that guide the delivery of SRE – further discussion about these documents can be found in Chapter 2) and developing requisite procedures for SEE.¹⁵⁶ The Department advises:

Approval of the draft policy and procedures is pending the outcome of this Parliamentary Inquiry. In the interim information has been provided to regions, schools and principals.¹⁵⁷

Committee comment

3.68 The Committee strongly supports the right of parents to have access to information about what is being taught in NSW government schools.

3.69 The Committee notes Primary Ethics' reasoning for not making all its teaching materials publically available, namely a desire to manage their use and to ensure quality control. The Committee also acknowledges the commercial value of the curriculum resources developed by Primary Ethics, and respects the right of any organisation to protect its proprietary materials so as to distinguish its product from other organisations.

3.70 In supporting processes which seek to better disseminate information to parents, the Committee calls on DEC to extend the proposed *Religious Education Implementation Procedures* requirement relating to the online disclosure of curriculum outlines to also apply to curriculum scope and sequence documents. The Committee further suggests that all relevant curriculum information be presented in the order in which it is taught and that the Department incorporates these requirements in the new SEE procedures it is developing.

3.71 The Committee therefore recommends that, in the revised *Religious Education Implementation Procedures* and the new SEE procedures, DEC require SRE and SEE providers to post their curriculum outlines and curriculum scope and sequence documents online, and that all relevant curriculum information be presented in the order in which it is taught.

Recommendation 4

That the Department of Education and Communities, in the revised *Religious Education Implementation Procedures* and the new Special Education in Ethics procedures, require all providers to post their curriculum outlines and curriculum scope and sequence documents online, and that all relevant curriculum information be presented in the order in which it is taught.

Implementation issues

3.72 The Committee considered a number of issues pertaining to the implementation of SEE including concerns that Primary Ethics position as the sole provider of ethics classes was

¹⁵⁶ Submission 181, p 8.

¹⁵⁷ Answers to questions taken on notice during evidence, 27 February 2012, Ms Best, p 5.

monopolistic; equality of access to SEE for all NSW Government school students; and whether the legislation which regulates SEE enables ministerial oversight.

Monopoly concerns

- 3.73** A concern for some inquiry participants was whether Primary Ethics' position as the only provider of SEE was monopolistic and therefore unfair. Building on this concern, some participants suggested that the provision of SEE should be put out to an open tender managed by the NSW Government.
- 3.74** The circumstances whereby ethics classes were proposed as an alternative to non-SRE and how Primary Ethics became the sole provider of SEE are briefly outlined in the two following paragraphs – for further detail see Chapter 2.
- 3.75** In 2003, having passed a motion resolving to support the provision of an ethics based complement to scripture classes, the Federation of Parents and Citizens' Association of NSW approached the St James Ethics Centre to see if it would support their resolution.¹⁵⁸ The St James Ethics Centre agreed and the two organisations came together to lobby the NSW Government to offer an ethics based complement to SRE.¹⁵⁹
- 3.76** In the years prior to the 2010 legislative amendment that allowed SEE as an alternative to non-SRE in NSW government schools, the St James Ethics Centre was the only organisation of its type to actively involve itself in lobbying for ethics classes. With the passage of the 2010 legislative amendment (following the trial managed by the St James Ethics Centre) the Centre then established Primary Ethics to deliver SEE in NSW government schools.¹⁶⁰ Currently, Primary Ethics is the only provider authorised by DEC to deliver SEE.¹⁶¹
- 3.77** In relation to Primary Ethics being the sole provider of an alternative to non-SRE, the Rev Dr Jensen noted a lack of clarity over the issue and concern about the St James Ethics Centre's monopoly:

...it is still unclear whether it will be possible for another group to make a pitch for the use of the time. Why does it have to be merely ethics? Could a group saying that they are interested in a particular philosophy make a pitch for the time? Why is it ethics or why was ethics particularly chosen? Lastly, it remains unclear whether another ethics provider, for instance, could tender for the opportunity to use that slot. Those questions need to be answered. Why does St James have the monopoly over the slot?¹⁶²

- 3.78** Reverend Rod Benson, Director, NSW Council of Churches, called for a tender process, arguing:

...it would be helpful in the future for the Department to make an offer through a tender process or something similar to that and include religious organisations and

¹⁵⁸ Submission 286, Federation of Parents and Citizens' Association of NSW, p 3.

¹⁵⁹ Submission 286, p 3.

¹⁶⁰ Submission 181, pp 3-4.

¹⁶¹ Submission 181, pp 3-4.

¹⁶² Rev Dr Michael Jensen, Evidence, 24 February 2012, p 39.

multifaith groups as well as the St James Ethics Centre and other similar organisations and then the Department choose the best provider with the best track record and the best options available.¹⁶³

- 3.79** Reviewing the situation through the prism of resource allocation, Adjunct Associate Professor Cam questioned the viability of SEE provision by a single entity, stating:

I do not think that as it stands Primary Ethics can actually carry the load that it is trying to carry. It either would need to be funded or there would need to be a thought about other providers.¹⁶⁴

- 3.80** Dr Cowling took a different view arguing that having a single provider was potentially advantageous and that Primary Ethics being the sole provider was simply a result of the circumstances which enabled SEE's provision:

In respect to SEE, the St James Ethics Centre approached the Government of the day for approval to deliver ethics lessons as an alternative to SRE. When it was legislatively possible to do so, the Minister approved Primary Ethics Ltd to provide ethics classes state-wide...Some people have asked why did the Government not invite tenders from community groups to provide such lessons. I am not sure whether the possibility of having a multiplicity of ethics providers was ever considered... From a purely pragmatic point of view, there are great economies of scale to be had if there is just one provider operating state-wide. On the other hand, the Government could be accused of privileging one brand of ethics over others.¹⁶⁵

- 3.81** In response to the concerns relating to Primary Ethics' position as the sole provider of SEE, Dr Longstaff indicated that the organisation was open to new providers becoming involved acknowledging, that such a situation already exists in SRE for faith groups:

In terms of the business of tendering, as I understand it anybody who wanted to offer philosophical ethics classes—remember there is a specific reason for having been introduced as opposed to, say, religious ethics classes, which would be already offered in scripture; that is part of what scripture already offers—others could offer that and they would be open to do so and take up the burden of providing those opportunities. In that sense it is very much like the situation that exists already for faith groups, because my understanding is that any faith group that wishes to come forward with a proposal to offer SRE within the State of New South Wales is allowed to do so and they then take their place provided they have the resources to do it.¹⁶⁶

- 3.82** As to why Primary Ethics had not been selected via a tender process and why it was the only current SEE provider, DEC gave the following response:

There was no tender process for the development of the SEE course because no services were being purchased by government. Government tendering guidelines apply to the purchase of government services, not to the voluntary provision of services. The Department accepts expressions of interest from religions and other organisations who express an interest in delivering a program in the time set aside for

¹⁶³ Reverend Rod Benson, Director, NSW Council of Churches, Evidence, 12 March 2012 p 43.

¹⁶⁴ Adjunct Associate Professor Cam, Evidence, 27 February 2012, p 5.

¹⁶⁵ Answers to additional questions on notice, 27 February, Dr Cowling, Question 1.

¹⁶⁶ Dr Longstaff, Evidence, 12 March 2012, p 61.

the delivery of SRE. The Department has in place an approvals process to determine the suitability of applications received.

The approach to teach ethics as an alternative to SRE was made by the St James Ethics Centre. The Department has not investigated whether or not there are similar community bodies to the St James Ethics Centre and has not contacted SRE providers to request they prepare a pilot program for delivery in a public school.¹⁶⁷

- 3.83** DEC also advised that other organisations will be able to apply to provide ethics classes in the future:

It is the intention to provide other organisations with the opportunity to offer ethics programs alongside those offered by Primary Ethics. The process for applying to be authorised to provide ethics classes in NSW public schools is under development.¹⁶⁸

Committee comment

- 3.84** The Committee notes that Primary Ethics' position as the sole provider of SEE can be attributed to the context in which ethics classes were introduced into NSW government schools. Firstly, that the approach to DEC to teach ethics as an alternative to non-SRE was made by the St James Ethics Centre and not any other organisation(s). Secondly, that government tendering guidelines have applied to the purchase of services by the Government, not to the voluntary provision of services.
- 3.85** The Committee notes the comments of Dr Longstaff pertaining to Primary Ethics' willingness to see other organisations apply to DEC to provide SEE. The Committee also notes the advice of DEC that other organisations will be able to apply to provide ethics classes in the future and that this process is under development.
- 3.86** The Committee recommends that DEC establish an open and transparent expression of interest process to allow other organisations to apply to deliver SEE in NSW government primary schools before 2014.

Recommendation 5

That the Department of Education and Communities establish an open and transparent expression of interest process to allow other organisations to apply to deliver Special Education in Ethics in NSW government primary schools before 2014.

Equality of access

- 3.87** DEC notes that of the schools currently providing SEE: '62% are located in metropolitan New South Wales, 26% in regional areas and 12% in rural and remote locations.'¹⁶⁹

¹⁶⁷ Answers to additional questions on notice, 27 February 2012, Ms Cheryl Best, General Manager, Learning and Development, Department of Education and Communities, Question 5.

¹⁶⁸ Answers to additional questions on notice, 27 February 2012, Ms Best, Question 5.

¹⁶⁹ Submission 181, p 4.

3.88 DEC's data indicates that, to date, the take-up of SEE has been concentrated in areas with higher populations where required resources are more likely to be readily available. In addition, the Department noted that:

Both Primary Ethics and smaller religious providers experience difficulties finding a critical mass to viably conduct classes in regional areas. No religious persuasion is covered universally across the whole state.¹⁷⁰

3.89 Primary Ethics has indicated a willingness to ensure students in regional and remote areas can access SEE, with one of its organisational Key Performance Indicators requiring it to offer all students the opportunity to participate in SEE through online classrooms.¹⁷¹

3.90 Primary Ethics' timeline for implementing the online classroom is as follows:

...by 2014 we hope to roll out an online classroom option for children in small schools or regional schools that we cannot create a classroom for.¹⁷²

Ministerial oversight and the effect of section 33A(3)

3.91 Concern arose during the inquiry that section 33A(3) of the *Education Act 1990*, which provides that 'a government school cannot be directed (by the Minister or otherwise) not to make special education in ethics available at the school'¹⁷³ does not enable ministerial oversight of SEE.

3.92 For example, Mr Hennessy of CCRESS stated that section 33A(3) of the Act meant:

...neither the Minister nor the Director General can amend or replace an ethics course once it commences. We believe this anomaly leaves the SEE curriculum as the only secular curriculum operating in State schools that is not subject to Ministerial oversight.¹⁷⁴

3.93 Similarly, Mr Murray Norman, General Manager, Presbyterian Youth, expressed concerns regarding the level of ministerial oversight of the SEE curriculum:

I think this is a concern to us. When the material was first brought forward before the pilot, the education department removed a couple of lessons on designer babies and on terrorism... We think the Minister needs to be in a position to do that, just as he is with special religious education [SRE]. There are concerns that the community might have, or principals, about certain lessons—that they should be able to be pulled or curtailed—because it is a privileged spot, and we really need to be serving the parents and their children.¹⁷⁵

¹⁷⁰ Submission 181, p 4.

¹⁷¹ Submission 156, p 11.

¹⁷² Ms Brooke, Evidence, 24 February 2012, p 15.

¹⁷³ *Education Act 1990*, Section 33A (3).

¹⁷⁴ Mr Hennessy, Evidence, 12 March 2012, p 20.

¹⁷⁵ Mr Murray Norman, General Manager, Presbyterian Youth, Evidence, 12 March 2012, p 51.

3.94 However, other evidence presented to the Committee makes it clear that section 33A(3) of the Act does not have the effect of preventing ministerial oversight of SEE; and that just as with SRE, the provision of SEE classes falls within departmental and ministerial oversight.

3.95 In this regard, Dr Longstaff advised that his understanding of the intent of section 33A(3) was to prevent an administrative decision being made by a Minister to not allow the classes and thereby to ensure SEE was available as a choice:

I think the public policy position—I am not sure how parliamentary counsel draft these things—was to ensure that ethics education was as available to students in New South Wales should they choose not to do SRE as SRE was itself. To ensure that was the case, as I understand it, they did not want an administrative decision to be taken which effectively ruled it out of order again, which is what had been done by guidelines issued by the Minister in the past.¹⁷⁶

3.96 The intent of section 33A(3) is made clear by former Education Minister, the Hon Verity Firth MP, who in introducing the *Education Amendment (Ethics) Bill 2010* stated that it is to prevent a Minister from directing a school not to provide an ethics class:

Section 33A(3) speaks for itself. It prevents an Education Minister from vetoing the legitimate choice of New South Wales parents in relation to a public school's delivery of special education in ethics. We believe that the whim of an opportunistic Education Minister should not overrule the rights of parents when it comes to this matter. It is perfectly reasonable for an Education Minister to oppose the teaching of ethics. They can exercise that opinion in relation to their own children but not on behalf of other parents.¹⁷⁷

3.97 Evidence provided by DEC and Primary Ethics regarding the SEE Curriculum approval process (this is examined earlier in the chapter at paragraphs 3.49–3.50) indicates that the Department does play an active role in overseeing the development of course content.¹⁷⁸ Essentially, all curriculum materials developed by Primary Ethics are forwarded to DEC for feedback. The Department has noted that, to date, Primary Ethics has incorporated all its feedback in subsequent revisions of the curriculum.

3.98 Further clarification on this issue was sought from the Hon Adrian Piccoli MP, Minister for Education. The Minister advised that section 19 (b) and (f) of the *Education Act 1990* gives him oversight of both SEE and SRE:

Section 19(b) and 19(f) of the *Education Act 1990* state that the Minister for Education has the *function to establish and supervise the operation of government schools* and to *carry out such educational audits and program reviews as the Minister considers appropriate to assess and improve quality of education*. These powers apply to the oversight of both special education in ethics and special religious education.¹⁷⁹

¹⁷⁶ Dr Longstaff, Evidence, 12 March 2012, pp 60-61.

¹⁷⁷ *LA Debates* (26/11/2010) 28410.

¹⁷⁸ Submission 181, p 4.

¹⁷⁹ Correspondence from the Hon Adrian Piccoli MP, Minister for Education, to Chair, 23 May 2012.

- 3.99** In addition, the Minister advised that while he has oversight over SEE and SRE this does not include direct approval of curriculum, which is the responsibility of the approved provider.¹⁸⁰

Committee comment

- 3.100** The Committee notes that there has been some confusion as to the effect of section 33A(3) of the Act.
- 3.101** It is clear to the Committee, however, that the provision does not have the effect of preventing ministerial oversight of SEE. It simply has the effect of preventing a Minister from directing that a school not provide SEE and this was a specific safeguard included in the legislation by the Parliament.
- 3.102** The Committee acknowledges that there is ministerial oversight of SEE and SRE under section 19 of the *Education Act 1990* as confirmed by the Minister. The Committee notes that the SEE curriculum, whilst not subject to direct ministerial approval, which is also the case for SRE curriculum, it is provided to DEC for review. We note that our earlier recommendations maintain the important role that DEC has in reviewing SEE curriculum for age appropriateness (see Recommendation 3) and the importance for curriculum outlines to be accessible to parents and carers by being available on the websites of both SEE and SRE providers (see Recommendation 4).

¹⁸⁰ Correspondence from the Hon Adrian Piccoli MP, Minister for Education, to Chair, 23 May 2012.

Chapter 4 The delivery of Special Education in Ethics

This chapter considers a number of issues raised by inquiry participants regarding the delivery of Special Education in Ethics (SEE) classes in NSW government primary schools. These include the lack of formal statistics collected by the Department of Education and Communities (DEC) on the number of students participating in SEE, Special Religious Education (SRE) and those students who attend neither classes; concerns about those children not attending SRE or SEE classes who are still not meaningfully engaged during this timeslot; the adequacy of training given to SEE volunteer teachers and the applicability of the *Working with children check* to volunteer versus paid teachers.

This chapter will also look at the suggestion of offering a general religious course in NSW government schools. There is also discussion on a future review for both SEE and SRE relating to their delivery in schools.

The evidence that the Committee received on some of these issues indicated that in some circumstances they also relate to the delivery of SRE. Where this is relevant the evidence has been presented.

Statistics

- 4.1** One of the main concerns raised during the inquiry was that data on the number of students participating in SEE, SRE or neither is not formally collected by DEC.
- 4.2** The Department stated that it does not record the number of students who attend SRE, SEE or neither classes. It advised that to provide this information every public school in NSW would need to be individually surveyed and the data manually entered and collated. In addition, the Department advised that the number of students who attend SEE or SRE classes varies on an ongoing basis.¹⁸¹
- 4.3** The Department did, however, provide statistics on whether students are identified with a religion, based on information collected at the time of enrolment. Available data for 2012 indicated that for students enrolled in Kindergarten to Year 6:
- 321,670 students (74.2 per cent) identify with a religion
 - 107,684 students (24.8 per cent) identify with no religion
 - 4,056 students (0.9 per cent) elected to withhold information concerning the student's religion.¹⁸²
- 4.4** The Department suggested that it could be assumed that those students whose parents have indicated no religion upon enrolment would generally not attend SRE classes, but may attend ethics classes where they are available for students in Years 5 and 6. However, it advised that these figures do not actually reflect the choices that parents and caregivers make post enrolment.¹⁸³

¹⁸¹ Answers to additional questions on notice, 27 February 2012, Ms Cheryl Best, General Manager, Learning and Development, Department of Education and Communities, Question 1, p 2.

¹⁸² Answers to additional questions on notice, 27 February 2012, Ms Best, Question 1, p 2.

¹⁸³ Answers to additional questions on notice, 27 February 2012, Ms Best, Question 1, p 2.

- 4.5 The Department also provided an *approximate* figure for those students who attend SEE in 2012:

Ethics classes are currently offered to students in Years 5 and or 6 in 166 government schools. Approximately 3,528 students (2.9 per cent) in Years 5 and 6 are currently participating in ethics classes.¹⁸⁴

- 4.6 This differs to the figure provided by Ms Leith Brook, Executive General Manager, Primary Ethics, who indicated that they are teaching around 4,400 students in 166 schools across NSW.¹⁸⁵

- 4.7 Ms Cheryl Best, General Manager, Learning and Development, DEC, advised that the Department does not currently have any plan to collect statistics on the number of students undertaking SRE, SEE or neither. Ms Best explained:

We have not currently, and you may be aware that we do not centrally keep data; it is kept, however, at the local schools. We have introduced this year a network for special religious education and ethics in our regions and there is a coordinator in each region, and we have been liaising with that coordinator to assist in gathering information. But our current system relies on schools to provide that information and we are very careful about the number of requests we ask schools in terms of providing information back to the centre and for what purpose that information is required.¹⁸⁶

- 4.8 Ms Best did indicate that it would be possible to use these departmental SRE/SEE coordinators to gain that statistical information from the schools.¹⁸⁷

Statistics used to justify introduction of SEE classes

- 4.9 There was some level of concern among inquiry participants that the statistics for students opting out of SRE, that were used to justify the introduction of SEE classes, may have been misleading.

- 4.10 Primary Ethics advised that, based on 2010 figures, in NSW there were 432,060 students attending 1,629 public primary schools and of these it is estimated that 25 per cent opted out of SRE.¹⁸⁸ This is the figure that was relied upon by proponents of ethics classes at the time the introduction of ethics classes was being debated.

- 4.11 However, the NSW Inter-Church Commission on Religious Education in Schools (ICCOREIS) contended that the actual figure for students opting out of SRE is closer to 15 per cent or less of the total student population.¹⁸⁹ Mr Peter Adamson, Deputy Chairperson, ICCOREIS, explained that the number of students undertaking SRE is not known but

¹⁸⁴ Answers to additional questions on notice, 27 February 2012, Ms Best, Question 1, p 2.

¹⁸⁵ Ms Leith Brook, Executive General Manager, Primary Ethics, Evidence, 24 February 2012, p 14.

¹⁸⁶ Ms Cheryl Best, General Manager, Learning and Development, Department of Education and Communities, Evidence, 27 February 2012, p 33.

¹⁸⁷ Ms Best, Evidence, 27 February 2012, p 33.

¹⁸⁸ Submission 156, Primary Ethics, p 7.

¹⁸⁹ Submission 205, NSW Inter-Church Commission on Religious Education in Schools (ICCOREIS), p 4.

estimates based on information from SRE providers indicate the number of students opting out of SRE is 15 per cent:

No-one knows the extent of SRE provision in New South Wales because we have never been able to collect the statistics... Through our members who represent, we think, about 80 per cent of the delivery of SRE in New South Wales, we think the figure is much closer to 15 per cent who choose not to do SRE... If you translate it into actual numerical figures there are about 430,000 students in primary school in New South Wales. We think about 60,000 of those are not in SRE so somewhere of the order of 360,000 plus in any given week like the school week will be in an SRE class in a school in New South Wales.¹⁹⁰

4.12 Similarly, the Presbyterian Church in NSW indicated that the numbers used to justify the introduction of SEE do not correlate with their understanding of the scope of SRE in NSW government schools.¹⁹¹

4.13 The Anglican Church Diocese of Sydney argued that as neither the Department nor the SRE providers had been collecting accurate statistics on how many students attend SRE and how many do not, it was not possible to verify the 25 per cent figure put forward by Primary Ethics.¹⁹²

4.14 The concern by SRE providers at the time of the legislation to introduce SEE was that the disputed figure of 25 per cent was used to justify a significant policy change. The Anglican Church Diocese of Sydney stated that the acceptance of the figure of 25 per cent by the then Minister for Education was considered a factor in the establishment of SEE classes:

[T]he argument that there was a significant number of students categorised as non-SRE attendees and they were wasting their time, was accepted as valid by the [then] Minister and formed the basis for her giving serious consideration to a change in policy in respect to what could or could not be taught to non-SRE attendees during the time set aside for SRE.¹⁹³

4.15 The uncertainty surrounding the numbers of students in SRE and those opting out of SRE is still a current issue because, as noted in the previous section, the number of students not participating in either SRE or SEE is still not clear due to lack of data collection by DEC.

Need for better data collection

4.16 A number of inquiry participants called for improved collection of data on the number of students attending SRE, SEE or neither, in order to ensure policy decisions are properly informed. For example, Parents4Ethics highlighted the need for data on the proportions of children opting for the various SRE options, SEE or neither:

¹⁹⁰ Mr Peter Adamson, Deputy Chairperson, ICCOREIS, Evidence, 27 February 2012, p 24.

¹⁹¹ Submission 285, Presbyterian Church in NSW, p 7.

¹⁹² Submission 215, Anglican Church Diocese of Sydney, p 3.

¹⁹³ Submission 215, p 3.

These data are clearly necessary for the DEC and various stakeholders to understand the uptake of each option and the scale of issues relating to children who opt out of both SRE and SEE.¹⁹⁴

4.17 In addition, Dr Bryan Cowling, Executive Director of the Anglican Education Commission, Diocese of Sydney stated that the collection of data on student numbers in SRE, SEE and those opting out is fundamental to good evidence-based decision making.¹⁹⁵

4.18 Ms Sharon Johnson, Member Services Officer for the Federation of Parents and Citizens Association of NSW, commented that statistics on students opting out of SRE would be useful in considering what to do with these students:

What we would say is that we are exasperated, as always, that the Department of Education and Communities has no hard data. There is no audit to tell us how many children are out and how many children are in. We have a general idea of how many are opting into education in ethics, but what we do not know is what the potential is for those children who are in the abyss, if you like.¹⁹⁶

Impact of SEE classes on SRE student numbers

4.19 During the debate leading up to the legislative reform that permitted ethics classes, there was great concern from SRE providers that the number of students attending SRE would drop as students took up ethics classes instead. Information provided during this inquiry indicates that this has not eventuated.

4.20 In this regard, Dr Ann Maree Whenman, Chairperson of ICCOREIS, advised that SEE has had little impact on SRE student numbers:

As far as we can ascertain, except for some local variations, the number of students in special religious education has been maintained at the level that it was prior to the introduction of special ethics, and in fact in some cases the number of students has increased, which is probably due to population growth in certain areas more than people flocking to one or the other.¹⁹⁷

4.21 Mr Robert Haddad, Treasurer of ICCOREIS and Director of the Confraternity of Christian Doctrine for the Catholic Archdiocese of Sydney, commented that during the trial of SEE there was some level of impact on Catholic SRE student numbers but since the roll out of SEE in 2011 the impact has been relatively small:

[D]uring the trial I asked some of my regional staff to do a survey of the impact of the trial in the 10 trial schools. We found on average that our numbers that were attending Catholic special religious education had declined 29 per cent. At the beginning of 2011 I asked my staff to ascertain, as far as possible, the impact on our numbers and I was surprised that it was relatively small—we only tracked a loss of about 42 students, to

¹⁹⁴ Answers to additional questions on notice, 24 February 2012, Parents4Ethics, Question 1.

¹⁹⁵ Dr Bryan Cowling, Executive Director, Anglican Education Commission, Diocese of Sydney, Evidence, 27 February 2012, p 48.

¹⁹⁶ Ms Sharon Johnson, Member Services Officer, Federation of Parents and Citizens Association of NSW, Evidence, 12 March 2012, p 7.

¹⁹⁷ Dr Ann Maree Whenman, Chairperson, ICCOREIS, Evidence, 27 February 2012, p 20.

be precise—but our numbers overall, which we can ascertain from our census that we published in early April 2011, showed a small increase in the number of students attending Catholic special religious education.¹⁹⁸

- 4.22** Similarly, the Anglican Church Diocese of Sydney advised that student numbers in SRE classes have not diminished as first expected:

... it appears that most of the students in Years 5 and 6 who have attended the ethics lessons have been drawn from the pool of non-SRE attendees in their respective schools... The introduction of Special Education in Ethics in 2011 does not appear to have diminished the number and size of SRE classes.¹⁹⁹

- 4.23** One school offering SEE classes stated there has not been a detrimental impact of SRE student numbers at their school. In this regard, Ferncourt Public School Parents and Citizens Association stated:

Fencourt School's experience has been that the ethics program (including the pilot) has not had a detrimental impact on the number of students enrolled in scripture classes; it has just provided the option of a more meaningful activity for students who already opted out of those classes.²⁰⁰

- 4.24** This experience reflects a point made by Dr Simon Longstaff, Executive Director, St James Ethics Centre, that SEE is not an alternative to SRE, it is alternative for those students who opt out of SRE:

It is not an alternative. It has only ever been an alternative to doing nothing. The first choice the parents make is whether or not they are going to SRE or not, and if they do not then they have a second line choice about whether they do nothing or whether they do ethics classes.²⁰¹

- 4.25** Further to this, Dr Longstaff commented that SRE and SEE are not in competition for students:

Firstly, as a matter of principle it is not true that it competes in that sense, and it has never been designed to compete, and great care has been taken, as I say, to have that complementary area. Whether or not all of the children who once attended scripture or SRE still will attend or whether some have moved across to ethics classes, I am not exactly sure of the figures, but my gut reaction would be that there would be some who were attending SRE not because they had a strong commitment to doing so but because it was better than the alternative of doing nothing—who may have been, if you like, imperfectly committed and who now have made a different choice. There might be others who were just experimenting a bit—a bit like some people even in the SRE world would go to Jewish scripture one year, Buddhist the next or Catholic the year after.²⁰²

¹⁹⁸ Mr Robert Haddad, Treasurer, ICCOREIS, Evidence, 27 February 2012, p 20.

¹⁹⁹ Submission 215, p 5.

²⁰⁰ Submission 226, Ferncourt Public School Parents and Citizens Association, pp 1-2.

²⁰¹ Dr Simon Longstaff, Executive Director, St James Ethics Centre, Evidence, 24 February 2012, p 22.

²⁰² Dr Longstaff, Evidence, 24 February 2012, p 26.

Committee comment

- 4.26** It is clear from the information received during this inquiry that formal statistics capturing student participation in SRE, SEE or neither are not kept by DEC. Without such data it is not possible to definitively quantify student demand for either option, nor can the number of students who are not participating in either SRE and SEE be accurately known.
- 4.27** It is clear that there is a need for this data to ensure good evidence-based decision making and policy development including dealing with the issue of student activity for those students not attending either SRE or SEE.
- 4.28** The Committee acknowledges that, in part, the decision to introduce SEE may have been based on an unverifiable figure of 25 per cent of students opting out of SRE that was extracted from enrolment forms and that this figure may not be reflective of the actual student uptake of SRE post enrolment. This strengthens the Committee's view that such statistics are necessary for future policy decisions.
- 4.29** The Committee notes that, as discussed in paragraphs 4.7 – 4.8, the introduction of the departmental SRE/SEE coordinators could make the collection of this necessary data from schools somewhat easier.
- 4.30** Therefore, the Committee recommends that DEC collect and publish data annually on the number of students participating in SEE, SRE and for those students who do not attend either SEE or SRE.

Recommendation 6

That the Department of Education and Communities collect and publish data annually on the number of students participating in Special Education in Ethics, Special Religious Education and for those students who do not attend either.

Students not attending SRE or SEE

- 4.31** As noted in Chapter 2, SEE was originally developed as a way to address the issue of what to do with children who do not participate in SRE by offering a “meaningful option” to these students. However, since the introduction of SEE for some Year 5/6 students, inquiry participants have indicated that this concern still remains as there are students who do not attend either SRE or SEE. Concerns were raised that these children are not being meaningfully engaged.
- 4.32** Ms Sharon Johnson, Member Services Officer from the Federation of Parents and Citizens Association of NSW, advised that while SEE is a start in addressing the issue of offering meaningful options to students who do not attend SRE, further discussion is needed on what to do with the students who do not attend either:

Ethics in education is certainly a huge step forward; however, no-one would purport to sit here today and say that it is the silver bullet and the solution to all. So, yes, there is further discussion to be had.²⁰³

- 4.33** Similarly, Ms Pat Clarke, Executive Member, Federation of Parents and Citizens Association of NSW, called for more guidance from the Department on this issue:

...I am sure the Department would be able to indicate an area that would not have conflict with disadvantage. See if you are going to teach them [students not attending SRE or SEE] something new that disadvantages other groups, so I do not think that is what we are interested in... It could be worked around but it needs to have more instruction than is given at the moment. At the moment, from my inquiry at the schools that I have had some personal contact with, they do not do anything of value and there has to be something better than nothing at all.²⁰⁴

- 4.34** Some SRE providers commented that the introduction of SEE has not addressed the issue of providing meaningful activities to students who do not attend SRE. For example, ICCOREIS argued that the introduction of SEE classes has not addressed the issue it was originally intended to and suggests that DEC needs to consider this:

[I]t was argued these children were missing out on meaningful activities, and the provision of Special Ethics Education (SEE) would address this. It is a fact that there will always be children who will be in non-SRE groups, whether they have chosen not to do SRE or not to be SEE.

The position of ICCOREIS has always been that the issue of what children do in non-SRE groups is a school management issue... ICCOREIS suggests that this issue needs to be addressed at Department of Education and Communities management level.²⁰⁵

- 4.35** Similarly, the Presbyterian Church in NSW indicated that in schools where both SRE and SEE are running there are still significant numbers of students who do not take up either option. Therefore, there are still children not engaged in meaningful activities during this timeslot:

[T]he introduction of SEE does not completely solve the issue that ostensibly led to its development. This is a matter of concern to PY [Presbyterian Youth] who wants children whose parents opt for neither course to somehow be involved in meaningful activity. We have been at the forefront of calling SRE providers of all faiths together to discuss a range of options for students in this situation and consulting principals about their best practice regarding this issue.²⁰⁶

- 4.36** Mr Jude Hennessy, Liaison Officer, Catholic Conference of Religious Educators in State Schools (CCRESS), stated that there will still be a number of students who do not attend either SRE or SEE, so the original problem remains and alternatives need to be found:

We accept now that ethics courses have come in and they provide another alternative. I would suggest to you that that will not provide a ready-made solution for every

²⁰³ Ms Johnson, Evidence, 12 March 2012, p 8.

²⁰⁴ Ms Pat Clarke, Executive Member, Federation of Parents and Citizens Association of NSW, Evidence, 12 March 2012, p 11.

²⁰⁵ Submission 205, ICCOREIS, p 3.

²⁰⁶ Submission 285, p 8.

school and for every student. The fact of the matter remains that students who do not do SRE can also choose not to do ethics, so the original problem remains. So there needs to be that scope for schools to have some educationally sound alternatives for students that will be effective and will see them not wasting their time, but at the same time too will not provide a competitive alternative to SRE.²⁰⁷

- 4.37** However, contrary to the view of the Federation of Parents and Citizens Association of NSW and SRE providers outlined earlier, Dr James Athanasou suggested that the time of 30 minutes of private study is not a significant hole in the education of students and ensures students with or without a religion are not discriminated against:

At least, supervised private study respected the democratic right of every person to have a religious faith or to opt out. It ensured that those with or without a religion were not discriminated against educationally. They were not disadvantaged scholastically. The 30 minutes of private study is scarcely an educational black hole.²⁰⁸

- 4.38** The Department advised that individual schools determine arrangements for students not attending SRE or SEE. In determining these arrangements principals consider the number of students, the availability of suitable space and supervision.²⁰⁹

- 4.39** The Department's *Religious Education Implementation Procedures* provide advice regarding the nature of activity that students may participate in. The guidelines advise:

Schools are to provide appropriate care and supervision at school for students not attending SRE. This may involve students in other activities such as completing homework, reading and private study. These activities should neither compete with SRE nor be alternative lessons in the subjects within the curriculum...²¹⁰

- 4.40** ICCOREIS suggested that the Department should develop suggestions and recommendations for government schools regarding the interpretation of the meaning of 'completing homework, reading and private study', as activities for students not attending SRE.²¹¹

- 4.41** The current *Religious Education Implementation Procedures* do not yet reflect the introduction of SEE. However, the Department has indicated that new draft Religious Education Policy and accompanying procedures have been updated in light of the introduction of ethics classes and are pending the outcome of this inquiry before being finalised.²¹²

Committee comment

- 4.42** The Committee understands inquiry participants concerns that even with the introduction of SEE there still remains a significant number of students who are not attending SRE or SEE.

²⁰⁷ Mr Jude Hennessy, Liaison Officer, Catholic Conference of Religious Educators in State Schools, Evidence, 12 March 2012, p 25.

²⁰⁸ Submission 187, Dr James Athanasou, p 10.

²⁰⁹ Answers to additional questions on notice, 27 February 2012, Ms Best, Question 1, p 2.

²¹⁰ Answers to additional questions on notice, 27 February 2012, Ms Best, Question 2, pp 2-3 and DEC *Religious Education Implementation Procedures*, p 3, point 11.

²¹¹ Submission 205, Appendix 1, p 12.

²¹² Answers to additional questions on notice, 27 February 2012, Ms Best, Question 2, pp 2-3.

We acknowledge that, as mentioned earlier, the actual number of these students is not quantified. However, it is fair to say even conservatively, that if there are 15 per cent of students opting out of SRE, which equates to approximately 64,500 primary school students and according to Primary Ethics data of 4,400 students undertaking SEE, then that would leave approximately 60,000 primary school students not attending either SEE or SRE.

- 4.43** We note that this figure will decrease as Primary Ethics extends SEE classes in the future, however, there will still be students who do not attend either SRE or SEE and will require adequate supervision and appropriate activities to undertake.
- 4.44** We accept the Department's advice that individual schools determine arrangements for these students, however, we believe there is merit in the suggestion that the Department should provide further guidance in the *Religious Education Implementation Procedures* as to what activities can be undertaken by these students during this time, without disadvantaging those that partake in SEE or SRE. We note that these guidelines are still to be finalised and acknowledge that this would be an appropriate way to deliver this guidance to schools.
- 4.45** Therefore, the Committee recommends that the Department include in its revised *Religious Education Implementation Procedures* recommendations to schools regarding what constitutes adequate supervision for students and for activities that those not attending SRE and SEE can be meaningfully engaged in during that timeslot.

Recommendation 7

That the Department of Education and Communities include in its revised *Religious Education Implementation Procedures* recommendations to schools regarding what constitutes adequate supervision for students and for activities that those students not attending Special Religious Education or Special Education in Ethics can be meaningfully engaged in, during that timeslot.

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- 4.46** While the changes to the implementation procedures are important, it is equally important that these procedures are followed and implemented by schools and principals. To this end, the Committee recommends that DEC ensure that these revised procedures are effectively communicated to and implemented by principals once they are finalised.

Recommendation 8

That the Department of Education and Communities ensure that the revised *Religious Education Implementation Procedures* and Special Education in Ethics implementation procedures are effectively communicated to and implemented by principals once they are finalised.

Training of volunteer teachers

- 4.47** There was some level of concern raised by inquiry participants regarding the adequacy of training for the volunteer teachers delivering SEE in NSW government schools.

Background of volunteer SEE teachers

4.48 Primary Ethics, the sole provider of SEE classes, advised that it seeks volunteer ethics teachers that have the following experience:

- A degree in some relevant field (for example arts or humanities)
- A teaching qualification
- Group facilitation experience and/or classroom experience
- Previous work with young people
- Alternative life experience and professional skills area also considered.²¹³

Training for volunteer SEE teachers

4.49 In terms of the training, Primary Ethics stated that it requires volunteer ethics teachers to complete:

- the Primary Ethics workshop, which involves 2 x 8 hour days face to face training
- several hours of a pre-training online course
- other training programs as provided by Primary Ethics.²¹⁴

4.50 In addition, Primary Ethics requires volunteer ethics teachers to complete:

- An online police check at his/her own expense
- A *Working with Children Check* – Student/Volunteer Declaration
- NSW Government’s “Shining the Light on Child Protection” online training course.²¹⁵

4.51 Ms Teresa Russell, General Manager, Schools, Primary Ethics, advised that after the training is completed the volunteer teachers ‘meet with their ethics coordinator and the principal, get allocated a class and turn up.’²¹⁶ Further to this, Ms Russell commented that the recruitment and training process is very thorough:

We think it is a very thorough process. Some applicants find it onerous but we do not care because we think it is really important to screen people who are going to be working for us and who will be impacting the lives of children.²¹⁷

4.52 A number of volunteer ethics teachers who made submissions to the inquiry commented positively on the level of training and ongoing support that they receive to teach SEE. For example, Ms Amanda Hickie, a volunteer ethics teacher described her training as follows:

²¹³ Submission 156, p 10.

²¹⁴ Submission 156, p 10.

²¹⁵ Submission 156, p 10.

²¹⁶ Ms Teresa Russell, General Manager, Schools, Primary Ethics, Evidence, 24 February 2012, pp 16-17

²¹⁷ Ms Russell, Evidence, 24 February 2012, pp 16-17

We had two very full days of face to face training, as well as material that we had to complete online in order to be able to lead a class. I left those two days invigorated and inspired to provide the children in my class with the kind of insightful experience that I had just had. Since that time I have also attended a seminar on classroom management provided by Primary Ethics and undertaken online training on the specific curriculum units.²¹⁸

- 4.53** Ms Lisa Darke, another volunteer ethics teacher highlighted the level of ongoing support for ethics teachers:

Ongoing support for these roles is another system well in place – chat rooms and forums available. Additional training was organised last year when a number of teachers commented on the disruptive behaviour of some students. This prompted PE to organise a “Behaviour Management session” for teachers conducted by an Ethics teacher (who is also a professional lecturer). This session was recorded and is now available to view on the PE website.²¹⁹

- 4.54** Similarly, volunteer ethics teacher Mr Warren Gregory advised that Primary Ethics is very supportive for its teachers:

After my classes had begun I found Primary Ethics to be very supportive. We have an active forum where we can discuss how well our classes are going, get advice and support, as well as a lot of learning support material. The kids understand the aim of each class and they go pretty smoothly. I have been visited personally in my classroom and given feedback about my performance. All in all, the support has been wonderful.²²⁰

- 4.55** Parents4Ethics stated that they are ‘entirely satisfied’ with the current recruitment and training system for ethics volunteer teachers and believe the system ‘ensures ethics teachers have appropriate backgrounds, skills and attitudes.’²²¹

- 4.56** Ms Russell of Primary Ethics, indicated that the organisation has recently begun a mentoring system that involves monitoring the delivery of SEE in the classrooms. Ms Russell explained:

We have a small number of people who started a few months ago. We have started using them as mentors and they will go into the classrooms. The aim is to have each teacher visited and observed in class once a year. At the moment they are most likely being used where people are having some issues and they want some help in the classroom, which is often around—in fact, almost 100 per cent around—behaviour management and not about actually how to teach the curriculum.²²²

- 4.57** Ms Russell further commented that, to date, there has been no occasion to remove an ethics teacher from a class:

To date there has been no incidence of any person being removed. In fact the mentor's role is to coach and to improve; it is not to actually be the school inspector.

²¹⁸ Submission 405, Ms Amanda Hickie, p 1.

²¹⁹ Submission 251, Ms Lisa Darke, p 3.

²²⁰ Submission 383, Mr Warren Gregory, p 3.

²²¹ Answers to additional questions on notice, 24 February 2012, Parents4Ethics, Question 2.

²²² Ms Russell, Evidence, 24 February 2012, p 27.

If it comes to a point where they have done a certain amount of coaching and they feel that that person should not be teaching ethics classes, that will then be referred to me to deal with and that certainly has not happened.²²³

Training for volunteer SRE teachers

- 4.58** As a comparison to the training received by volunteer ethics teachers, SRE providers outlined the training that their volunteer teachers undergo. For example, Mr Hennessy, Liaison Officer from CCRESS outlined the system of training for Catholic SRE volunteer teachers:

A huge amount of resources have gone into the identification and attainment of volunteers, many of whom have come from professional backgrounds—many of whom have come from teaching backgrounds, but certainly not all of them. But in the process of preparing volunteers for teaching, the teachers in the 11 Catholic dioceses are obviously given some training in child protection issues, in classroom management issues and in the curriculum they are delivering, and, most importantly, they are given very clear guidelines about what the authorised curriculum is.²²⁴

- 4.59** Further to this Mrs Alison Newell, Secretary of CCRESS, elaborated on how the training process is undertaken in the Broken Bay Diocese by way of example:

Yes, we have 1,100 special religious education [SRE] volunteer teachers teaching Catholic special religious education [SRE] to 14,000 or 15,000 Catholic students in Broken Bay. The structures that are in place are very supportive. At a diocesan level, we have a leader, who is me, and we have five regional coordinators who work around the deaneries of the diocese, and we have about 10 administrative staff supporting that work. We also have 26 parish coordinators, so we have 26 parishes in the dioceses. Parish coordinators support the people on the ground locally as well, and then there are the 1,100 volunteers. In each school there is a delegate, who is the liaison person between the parish and the school.²²⁵

- 4.60** With regard to the required training Ms Newell commented that it is impressed upon volunteers that they must only teach the authorised curriculum:

We have a mandatory training program. Everyone is required to do certain units of work before they go into a school. We make it very, very clear during that training program that no-one is allowed to go in there with their own agenda: that they must teach with the authorised curriculum. From time to time, people do take their own agenda in there and they are dealt with, with a particular process that is in place, to make sure that that does not continue. They are usually removed. Certainly they are monitored in the classroom and mentored for a period of time. If we are not satisfied that they are up to scratch, they are removed. We take it very, very seriously...²²⁶

- 4.61** Mr Peter Adamson, SRE Director, Presbyterian Youth, advised that their organisation encourages volunteer teachers to aim for a recognised teaching qualification:

²²³ Ms Russell, Evidence, 24 February 2012, p 31.

²²⁴ Mr Hennessy, Evidence, 12 March 2012, pp 27-28.

²²⁵ Mrs Alison Newell, Secretary, Catholic Conference of Religious Educators in State Schools, Evidence, 12 March 2012, p 28.

²²⁶ Mrs Newell, Evidence, 12 March 2012, p 28.

I know that we use thousands of volunteers and those volunteers come with various educational competencies. We are endeavouring to make a uniform training standard. We would ask them to aspire to Certificate IV level. The reality is that it is something less than that now. But all of the denominations, of which the Presbyterian Church is a part, are pushing towards mandating training.²²⁷

- 4.62** The Anglican Church Diocese of Sydney indicated that some approved SRE providers have put in place a system of accredited initial and ongoing training for their voluntary teachers and that ‘this should become a basic expectation of all approved providers and the Department should monitor compliance with it.’²²⁸

Adequacy of the training

- 4.63** Some inquiry participants commented on the adequacy of the training provided to SEE and SRE volunteers, while others argued that volunteers should not be used at all.

- 4.64** For example, Adjunct Associate Professor Philip Cam, School of Humanities, University of NSW, raised concerns with the level of training provided to volunteer ethics teachers. Adjunct Associate Professor Cam advised that during the pilot, as the volunteer ethics teachers were not trained primary school teachers, the procedures for teaching the lessons was tightly scripted:

First, the ethics teachers were parents and interested members of the community. While they had to meet certain criteria for selection, experience as a primary classroom teacher was not one of them. Secondly, in light of this, the procedures to be used in teaching the lessons in the pilot curriculum were tightly scripted, and consisted in a set of activities that, while they dealt with a variety of topics, were a set of variations of one another from a methodological point of view.²²⁹

- 4.65** Adjunct Associate Professor Cam advised that he is not aware of who is currently providing the training for Primary Ethics and that he has only limited knowledge of the details of the lessons that are being delivered in the classroom. However, he is of the understanding that the two day workshop program is still being used and he argued that this is a bare minimum for the lessons and more training time is needed:

I have no hesitation in saying that a two day training program represents a bare minimum for the kind of tightly scripted lessons that I wrote for the pilot when conducted by someone who really knows the ropes. One of my concerns is that (again as far as I know) a train-the-trainer model is being used – and understandably so, given the need to meet a rapidly expanding demand. This has the drawback that the trainer is quite likely to be inadequately prepared, having had little more experience than the participants they are training. That’s a worry. I would much prefer a training program that ran as a night class over a semester, giving the trainees more time to learn about teaching techniques and the subject they are teaching.²³⁰

²²⁷ Mr Peter Adamson, SRE Director, Presbyterian Youth, Evidence, 12 March 2012, p 52.

²²⁸ Submission 215, Anglican Church Diocese of Sydney, p 12.

²²⁹ Answers to additional questions on notice, 27 February 2012, Adjunct Associate Professor Philip Cam, School of Humanities, University of NSW, Question 1.

²³⁰ Answers to additional questions on notice, 27 February 2012, Adjunct Associate Professor Cam, Question 2.

- 4.66** Some inquiry participants believed that the delivery of all classes in NSW government schools should be done by professionally trained teachers and not volunteers. For example, Ms Meredith Doig, President of the Rationalist Society of Australia, commented that:

Our concern is with the design of the system. There is no way that you can assure that volunteers will do a fine job and therefore we think the system is wrong. It is not meant to be a criticism of all volunteers; I am sure some of them do a fine job; I am sure some of them maintain the ethic or stick within the boundaries of the agreed syllabus, but—having been a teacher myself in a previous life—there are skills about how to teach and the way that trained professional, experienced teachers deal with some questions that can come up in a way that does not betray their own perhaps strongly held views.

I would no more like volunteers to impose an atheistic worldview as I would a Catholic worldview or a Buddhist worldview. I think it is entirely proper for the religious bodies and the atheists themselves to try to persuade people of the correctness or the value of their position within the marketplace of ideas. I do not believe that it is appropriate to have volunteers try to impose those views within a government school system.²³¹

- 4.67** Along similar lines, Ms Catherine Byrne, PhD Scholar, Macquarie University, Centre for Research and Social Inclusion, proposed that ‘both streams of teaching need to be developed and taught by professional teachers. I do not think this is an area for volunteers at all.’²³²

Committee comment

- 4.68** The Committee acknowledges the great contribution made by the volunteer teachers for both SEE and SRE in NSW government schools.
- 4.69** The concerns of inquiry participants relating to the adequacy of training for volunteer ethics teachers are noted by the Committee. The assertion that the delivery of any subject in NSW government schools should be undertaken by professional teachers is noted.
- 4.70** We note that volunteer ethics teachers have not indicated to the Committee that they feel underprepared. In fact, we recognise that there is ongoing support available for these teachers from Primary Ethics especially in the area of classroom behavior management.
- 4.71** We also note that there appears to be no role for DEC in monitoring the adequacy of training for volunteer SRE and SEE teachers. This issue is not covered in the existing DEC *Religious Education Implementation Procedures* in relation to SRE volunteer teachers other than that it is the responsibility of the approved religious persuasion to authorise representatives to teach SRE.
- 4.72** The Committee believes volunteer teachers should be adequately prepared to deal with the challenges of the classroom, in particular classroom management training, have a thorough knowledge of the curriculum they are there to deliver and undergo compulsory child protection training.

²³¹ Ms Meredith Doig, President, Rationalist Society of Australia, Evidence, 12 March 2012, p 6.

²³² Ms Catherine Byrne, PhD Scholar, Macquarie University, Centre for Research and Social Inclusion, Evidence, 27 February 2012, p 11.

- 4.73 The Committee acknowledges that some SRE providers have put in place a system of accredited initial and ongoing training for their voluntary teachers and believes that this should become a basic requirement of all approved providers of SRE or SEE. Further to this the Department should monitor the providers' compliance with this requirement.
- 4.74 Therefore, we recommend that DEC require that SRE and SEE providers have in place a system of accredited initial and ongoing training for their voluntary teachers that includes training in classroom management and child protection issues and that DEC monitor providers' compliance with this requirement. In addition, we recommend that each provider website should have available information regarding the training of their volunteers.

Recommendation 9

That the Department of Education and Communities require and monitor Special Religious Education and Special Education in Ethics providers to ensure that they have in place a system of accredited initial and ongoing training for their voluntary teachers that includes training in classroom management and child protection issues and that this information is published on the providers' websites.

The *Working with children check*

- 4.75 Some inquiry participants raised concerns with the *Working with children check* in relation to its applicability to volunteer versus paid teachers. A *Working with children check* is a pre-employment check for child-related employment designed to ensure that only appropriate persons are able to work with children.²³³
- 4.76 In relation to volunteers, some high risk roles must undergo a full *Working with children check*. These are volunteers who mentor disadvantaged children in family-like relationships, or provide intimate personal care for disabled children. All other volunteers working with children must sign the Volunteer/Student Declaration.²³⁴
- 4.77 Volunteers for child-related work who do not need a full check are asked to declare that they are not a "prohibited person" under the *Child Protection (Offenders Registration) Act 2000* or convicted of an offence under section 33B of the *Commission for Children and Young Persons Act 1998*, using the Volunteer/Student Declaration. It is an offence for prohibited persons to apply for or attempt to obtain, undertake or remain in child-related employment in any capacity, whether paid, volunteering or self employed.²³⁵
- 4.78 Volunteer teachers of both SEE and SRE are not required to complete a full *Working with children check* but must sign the Volunteer/Student Declaration advising that they are not a

²³³ NSW Commission for Children and Young People (CCYP) website, accessed 23 April, <https://check.kids.nsw.gov.au/index.php#are-you-parent_who-is-checked>

²³⁴ CCYP website, accessed 23 April, <<https://check.kids.nsw.gov.au/index.php#are-you-volunteer>>

²³⁵ CCYP website, accessed 23 April, <<https://check.kids.nsw.gov.au/index.php#are-you-volunteer>>

“prohibited person” under the legislation outlined above, unless the provider requires more of them.²³⁶

4.79 Whereas, paid teachers are required to undertake the full *Working with children check* as they are in paid child-related employment. This full *Working with children check* involves checking for relevant criminal records, apprehended violence orders and employment proceedings.²³⁷

4.80 While not a legal requirement, Primary Ethics does require its volunteer ethics teachers and coordinators to complete an online police check at their own expense *in addition* to signing the Volunteer/Student Declaration.²³⁸

4.81 This extra requirement for volunteer ethics teachers raised concerns among some inquiry participants about the checking process for volunteer SRE teachers and there were calls for consistency. For example, Mr Nathan Lee, volunteer ethics teacher, suggested that ‘all SRE providers follow the Primary Ethics example and submit their volunteers to the same child safety standards of a police check.’²³⁹

4.82 Ms Byrne raised concerns with the current vetting process for SRE teachers:

I am not sure exactly the process or the demands made of every religious instruction organisation. However, I am aware of the various groups that I have done training with or that I have asked questions of, particularly about the vetting process. Primary Ethics does demand it, but various other faith traditions do not. I am not sure what all the different religious groups do, but do I know that the Department of Education and Training sees none of this as its responsibility. It has no follow up, so who knows what is actually happening?²⁴⁰

4.83 In relation to volunteer SRE teachers, Dr Whenham from ICCOREIS advised that SRE providers are required to provide annual assurances to DEC regarding the appropriate checks for volunteer SRE teachers:

Well, for many years the providers of special religious education [SRE] have been accountable to the Department of Education and Training, or the Department of Education and Communities as it now is, through the provision of an annual assurance that we have appropriate police checks in place, we have appropriate curriculum material that is approved by the head of the church of the religious provider, and that we have appropriately trained volunteers teaching in the public schools in New South Wales. That assurance has been sent out by the officers of the Department of Education and Training, and the condition for ongoing accreditation as providers of special religious education in government schools is the return of that. It is something that our heads of church take very seriously. We would not respond in an affirmative manner to any of those things if in fact it was not actually happening.

²³⁶ Mr Michael Waterhouse, Director, Legal Services, Department of Education and Communities, Evidence, 27 February 2012, p 42.

²³⁷ CCYP website, accessed 23 April, <<https://check.kids.nsw.gov.au/employer-guidelines.php#guideline-5>>

²³⁸ Ms Russell, Evidence, 24 February 2012, pp 16-17

²³⁹ Submission 397, Mr Nathan Lee, p 1.

²⁴⁰ Ms Byrne, Evidence, 27 February 2012, p 15.

Therefore the transparency lies at that level in the response of the heads of churches, which is the way the Act and the implementation guidelines are currently structured.²⁴¹

- 4.84** Dr Bryan Cowling from the Anglican Education Commission advised that in addition to the Volunteer/Student Declaration form, child protection training is required to be completed by volunteer Anglican SRE teachers:

The local minister is responsible by delegation for selecting people from his parish to teach on behalf of the church. People are required to attend child protection training—we call it "safe ministry training"—for a certain number of hours. They must do a refresher course every two years. They fill in the standard form that all SRE providers use for volunteers. Obviously it is different for people who are paid. No police checks have been required by the department for volunteers.²⁴²

- 4.85** The Department advised that, similar to approved SRE providers, Primary Ethics is required to provide DEC with a signed assurance that their volunteers have all been appropriately screened.²⁴³

The new *Working with children check*

- 4.86** The NSW Commission for Children and Young People (CCYP) recently announced that a new *Working with children check* will be introduced later this year, until then the existing system will continue to operate. Under the new system:

- A *Working with children check* will last for five years and be valid for paid or volunteer child related work.
- Paid and volunteer workers will need a valid clearance to start a new child related role.
- Employers must check that all new paid staff and volunteers have valid clearances before engaging them to work with children.
- Workers staying in the same roles in the same organisation will be phased into the new check over a five year period.²⁴⁴

- 4.87** The new *Working with children check* includes checking full criminal history, apprehended violence orders taken out by a Joint Investigative Response Team and relevant employment proceedings.²⁴⁵

- 4.88** Under this new system, all new volunteer teachers for both SEE and SRE will be required to undertake the full *Working with children check* and all other existing volunteer teachers will be required to gain a valid clearance within the five year phase in period. This means that the check will apply consistently to paid and volunteer teachers.

²⁴¹ Dr Whenam, Evidence, 27 February 2012, pp 20-21.

²⁴² Dr Cowling, Evidence, 27 February 2012, p 55.

²⁴³ Submission 181, p 8.

²⁴⁴ CCYP, *News- Working with children check*, 20 March 2012.

²⁴⁵ CCYP, *Report on the Review of the NSW Commission for Children and Young People Act 1998*, June 2011, p 8.

Committee comment

- 4.89** The Committee acknowledges the concerns of inquiry participants that the *Working with children check* should be applied equally to volunteer and paid teachers. We note that the CCYP has reviewed the *Working with children check* and that a new system will be implemented later this year that will address this discrepancy, therefore requiring volunteer SEE and SRE teachers to undertake a full *Working with children check*.

General religious education course

- 4.90** A further issue that some inquiry participants raised is the suggestion of NSW government schools providing a general religious education course, sometimes referred to as a comparative religion subject, as part of the curriculum. In some cases this was discussed in the context of removing SRE and SEE, while others suggested such a course could complement SRE.

- 4.91** Ms Byrne recommended that SRE and SEE be replaced by ‘a general religious and ethics education [which] should be a high priority for public schools and should be taken as probably the most important aspect of public education in this area.’²⁴⁶

- 4.92** Ms Byrne elaborated further on the need and perceived demand for a general religious and ethics course:

Every child, whether or not they are religious or come from a religious family or culture, has the right to be exposed to and to be encouraged to explore the big questions, whether they are philosophical, ethical or religious questions. Therefore, public education has a responsibility to step up to that demand and the desire of children, especially young children, to explore those questions. So, given that the rest of the developed world is doing this in a manner that is a general broad approach to religion and ethics in public schools I think it is critically important that Australia lift its game...²⁴⁷

- 4.93** The Rationalist Society of Australia supports the replacement of SRE and SEE with a ‘world class education in a range of world views including religious worldviews and worldviews based on secular moral philosophy.’²⁴⁸

- 4.94** All inquiry participants who commented on the suggestion to replace SRE and SEE with a general religious and ethics course expressed opposition to it. For example, Dr Whenman of ICCOREIS indicated her opposition to Ms Byrne’s proposal. Dr Whenman commented:

I would be opposed to it as well, I suppose because of my area of work in religious education. I really feel there is room for education in religion from one’s own tradition as well as education about religion, which is general religious education and they are complementary. If one does not have a tradition, that does not mean one is deficit because one does not have an education in a tradition. But if one does have a tradition, it enhances one’s education.²⁴⁹

²⁴⁶ Ms Byrne, Evidence, 27 February 2012, p 12.

²⁴⁷ Ms Byrne, Evidence, 27 February 2012, p 13.

²⁴⁸ Submission 421, Rationalist Society of Australia, p 1.

²⁴⁹ Dr Whenman, Evidence, 27 February 2012, p 25.

- 4.95** Mr Khaled Sukkarieh, Chairman of the Islamic Council of NSW, did not support the replacement of SRE with a comparative religion course:

Absolutely no way. We would not agree with that. Comparative religion is very important to learn but not at the expense of special religious education. We are talking about young minds. They have not even formed a view of how to go down the street without worrying about the strangers let alone formed a view of world affairs and philosophical subjects that are dealing with complex issues. If it is separate class-time, that may not be such a bad thing.²⁵⁰

- 4.96** Ms Best from DEC indicated that general religious education is broadly covered in the current curriculum:

Currently general religious education is considered to be covered reasonably adequately in the Board of Studies New South Wales syllabuses, particularly in the area of human society and its environment and personal development and physical education. Students have the opportunity to study a range of issues around different religions, for example.²⁵¹

- 4.97** Dr Cowling saw benefits in children learning about major religions, and noted that general religious education is already in the current curriculum by virtue of the human society and environment subject but he questioned whether it was adequately supported by the Department:

I think the important thing is that children have an understanding of the tenets and culture of the major religions, not with a view to saying this is better than that one, but having a broad understanding as was taught in one of the early social studies syllabuses years ago. But whilst general religious education brought into the department is alive and flourishing through human society and its environment [HSIE] it is more by default than by practice that children have an understanding of the tenets and culture of the major religions. That is evidenced by the fact that the department in the last 15 years has not produced anything to support people teaching general religious education as part of something else.²⁵²

- 4.98** DEC advised that the Australian Curriculum Assessment and Reporting Authority has indicated that religion and ethics will be included in the discussion paper for the Civics and Citizenship course which will be developed as part of Phase 3 of the Australian Curriculum.²⁵³

Committee comment

- 4.99** The Committee notes the information from the Department and other inquiry participants that general religious education is already part of the curriculum and that the topics of religion and ethics will be considered as part of the Australian Curriculum currently being developed. The Committee did not receive enough evidence on this matter to make a recommendation in regard to whether this subject should be further supported in the school curriculum.

²⁵⁰ Mr Khaled Sukkarieh, Chairman, Islamic Council of NSW, Evidence, 12 March 2012, p 36.

²⁵¹ Ms Best, Evidence, 27 February 2012, p 34.

²⁵² Dr Cowling, Evidence, 27 February 2012, p 49.

²⁵³ Submission 181, p 8.

- 4.100** Of concern to the Committee was Adjunct Associate Professor Cam's comment that 'New South Wales is now alone in Australia in not having philosophy as an HSC level subject. It is the only State in Australia that now does not have it.'²⁵⁴ It is hoped that this issue is addressed in the development of the Australian Curriculum.

Recommendation 10

That the Minister for Education investigate the inclusion of philosophy in New South Wales secondary schools as part of the development of the Australian Curriculum.

Information for parents and schools

- 4.101** An issue raised during the inquiry was the amount of information provided by schools to parents and carers to allow them to make informed decisions about their children's education in the area of SRE and SEE.

- 4.102** Ms Johnson from the Federation of Parents and Citizens Association of NSW stated that it is difficult to gauge whether parents have enough information about the available options relating to SRE and SEE:

I think it would be impossible to have an understanding or to represent an understanding of what parents might know. I think that parents are aware of where they can access information. I think that the Department of Education and Communities is very open with the information that parents can access... Most importantly though I think the most significant way that parents get an understanding of what is on offer in SRE and SEE is through the child.²⁵⁵

- 4.103** Ms Best from DEC advised that enrolment forms are used to determine the demand for SRE provision in a school and then specific details are worked out at a school level with the SRE providers.²⁵⁶ Further to this Ms Best advised that it is her understanding that if a parent wishes their child to opt out of SRE then this must be provided in writing to the school:

...students would have been identified based on the information on enrolment. My understanding is that if a parent wishes their student not to participate, they need to provide that information in writing to the principal to opt out. That is what I understand to be the current practice.²⁵⁷

- 4.104** It is noted that the Learning Services team of the DEC NSW Curriculum and Learning Innovation Centre has the key role in providing policy advice and support to DEC, regions, schools and the public on SRE and SEE in NSW government schools. It is the role of this

²⁵⁴ Adjunct Associate Professor Cam, Evidence, 27 February 2012, pp 5-6.

²⁵⁵ Ms Johnson, Evidence, 12 March 2012, p 9.

²⁵⁶ Ms Best, Evidence, 27 February 2012, p 39.

²⁵⁷ Ms Best, Evidence, 27 February 2012, p 39.

team to support the implementation of SRE and SEE along with updating policy based on the recent introduction of SEE.²⁵⁸

Committee comment

- 4.105** Based on the evidence received, it is difficult for the Committee to establish if parents have enough information to make informed decisions for their children regarding the options and processes involved in the area of SRE and SEE. The provision of fact sheets for parents at the time of enrolment that include information on the available SRE options, and the ability to opt out, the availability of SEE, and where to go for further information would be useful. In addition, this information needs to be accompanied by appropriate supporting standardised correspondence from the school.
- 4.106** Therefore, the Committee recommends that the revised *Religious Education Implementation Procedures* and the Special Education in Ethics implementation procedures include the requirement for the provision of DEC approved fact sheets for parents at the time of enrolment that include information on the available options of SRE, procedures for opting out of SRE, the availability of SEE, and how to access curriculum information for these options. These factsheets should also be available on the DEC website and individual school websites.

Recommendation 11

That the Department of Education and Communities ensure that the revised *Religious Education Implementation Procedures* and the Special Education in Ethics implementation procedures include the requirement for the provision of departmental approved fact sheets for parents at the time of enrolment that include information on the available options of Special Religious Education, procedures for opting out of Special Religious Education and the option of choosing Special Education in Ethics where available, and how to access curriculum information for these options. These factsheets should be available on the departmental website and individual school websites.

- 4.107** The Committee also recommends that the revised *Religious Education Implementation Procedures* and the Special Education in Ethics implementation procedures ensure that templates of letters be provided to schools for their use to:
- Advise parents/carers of the various SRE classes available for year groups each year
 - Advise parents/carers of any changes in organisation and/or availability of any new SRE classes
 - Offer parent/carers of non-SRE students the option to attend SEE classes (advice should be clear to principals that this letter should only be distributed to parents/carers of potential non-SRE students only after an 'opt out' decision by parents/carers has been communicated to the school)

²⁵⁸ DEC website, NSW Curriculum and Learning Innovation Centre, *Special Religious Education and Ethics*, accessed 15 May 2012, < http://clic.det.nsw.edu.au/clic/documents/profile_SREE.pdf>.

- SRE and SEE letter templates should differ in appearance to avoid confusion for parents/carers.

Recommendation 12

That the Department of Education and Communities ensure that the revised *Religious Education Implementation Procedures* and the Special Education in Ethics (SEE) implementation procedures include templates of letters that can be provided to schools for their use to:

- Advise parents/carers of the various Special Religious Education (SRE) classes available for year groups each year
- Advise parents/carers of any changes in organisation and/or availability of any new SRE classes
- Offer parent/carers of non-SRE students the option to attend SEE classes (advice should be clear to principals that this letter should only be distributed to parents/carers of potential non-SRE students only after an ‘opt out’ decision by parents/carers has been communicated to the school)
- SRE and SEE letter templates should differ in appearance to avoid confusion for parents/carers.

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- 4.108** The Committee notes that the Learning Services team of the DEC NSW Curriculum and Learning Innovation Centre has the important role of providing support to schools for the smooth implementation of SRE and SEE. With the increase in the availability of SEE across NSW this role will become even more critical to ensure that this support continues and is available to all schools. The Committee recommends that DEC ensure that the Learning Services team be adequately staffed and resourced to enable ‘in servicing’ of school leadership teams.

Recommendation 13

That the Department of Education and Communities ensure that the Learning Services team of the NSW Curriculum and Learning Innovation Centre be adequately staffed and resourced to enable ‘in servicing’ of school leadership teams with regard to providing support for the implementation of Special Religious Education and Special Education in Ethics.

Review of SEE and SRE

- 4.109** Some inquiry participants suggested that this inquiry into ethics classes is too early in the implementation process of SEE and that while a review of SEE is welcome it should be conducted in the future. In addition, some inquiry participants also proposed that if SEE was to be reviewed SRE should be as well.

- 4.110** Dr Cowling of the Anglican Education Commission proposed a review of both SEE and SRE in 2014 stating that:

I think it gives both groups time I suppose to ensure that they are putting in place the strategies that will ensure the quality I am talking about. In the submission we talk about quality in terms of the teacher training, quality in terms of monitoring, quality of the curriculum and so forth. It is too early to be making significant judgements about the effectiveness of SEE. I think that has been canvassed by other people. It will be something new for SRE providers to be accountable to the wider community and in a sense to government for the quality of what they deliver. I think that goes with the privilege of having the access.²⁵⁹

- 4.111** The NSW Council of Civil Liberties also suggested that SEE should be subject to review in the future by ‘the relevant educational bodies with professional and community input – as is the case for all formal curriculum offerings. This is a more appropriate context for a review of these matters and would normally and sensibly be undertaken when the implementation of ethics classes in public schools has had time to settle.’²⁶⁰

- 4.112** A number of parents called for a parallel review into SRE.²⁶¹ For example, Ms Lesley Tipping stated that ‘while scrutiny of ethics classes is welcome I would like to see a parallel investigation of Special Religious Education (SRE) classes.’²⁶²

- 4.113** Similarly, Ms Lindsey Hatchwell suggested that both SEE and SRE should be examined ‘to make a thorough, rounded observation of the whole issue.’²⁶³ Dr Mark Staples argued that ‘if there is to be an investigation of the ethics classes, it would be outrageous discrimination if there were no parallel investigation of the other legal SRE options provided by religious groups.’²⁶⁴

- 4.114** Ms Terri Flynn, parent of a primary school student commented:

I understand that the proposed investigation applies to ethics classes only, why not evaluate scripture classes at the same time to provide a full picture of their place in primary education. Why have scripture classes not been evaluated when subject material in schools is constantly being evaluated?²⁶⁵

- 4.115** When asked if SEE should undergo future review Dr Longstaff indicated that he believes this would be appropriate and expected by the community:

As parents and citizens in this State we should do that. I would apply that as a general principle to what is done. So, if I can speak on the issues around ethics classes, to the

²⁵⁹ Dr Cowling, Evidence, 27 February 2012, p 48.

²⁶⁰ Submission 392, NSW Council for Civil Liberties, p 3.

²⁶¹ Submission 282, Mrs Jenny Collison; Submission 403, Dr Lisa Melton and Mr Gerard Page; Submission 25, Ms Barbara Davis; Submission 21, Mr Daniel Guenther, Submission 18, Mrs Vicki Simpson, Submission 12, Dr Michael Cahill, Submission 10, Mr Gideon Jennings, Submission 6, Mr Jon Matthews.

²⁶² Submission 314, Ms Lesley Tipping, p1.

²⁶³ Submission 19, Ms Lindsey Hatchwell.

²⁶⁴ Submission 17, Dr Mark Staples.

²⁶⁵ Submission 14, Ms Terri Flynn.

extent that we are guests in the school dealing with students, we should expect people to ask whether it is appropriate in terms of the age, is it done with proper competence and care, is there equity of access and so on. I would simply say that if that is a prudent position of principle to take as a matter of public policy, it should be applied consistently.²⁶⁶

- 4.116** Mr Sukkarieh of the Islamic Council of NSW supported the view that a review of SEE would be beneficial in the future, including looking at the impact of SEE on SRE:

The other thing we do believe though is that there should be a review—even saying we do not object to it—but there should be a review carried out to find out, because it is in its infancy, to see the impact on special religious education or otherwise, or even SEE. Then there should be a formal review done by the Department of Education or Government, or the Minister, if you like, and see how it has affected the SRE numbers...²⁶⁷

- 4.117** In addition to the Anglican Education Commission other SRE providers were open to a future review of SRE. For example, Mr Hennessy, CCRESS, advised that the organisation would be open to a review of SRE:

So if you are asking whether or not we would be happy to participate in a review of SRE, yes we would. We are very confident that the contribution SRE makes to public education would be highlighted and it would be seen properly as a strength of public education.²⁶⁸

Committee comment

- 4.118** The Committee has received a lot of evidence regarding the implementation and delivery of SEE classes in NSW government schools. While there has been a significant amount of support for the provision of the SEE classes from parents and teachers, there has also been concern regarding some aspects of the implementation and delivery of these classes as outlined in this and the previous chapter.
- 4.119** It was noted in Chapter 2 that SEE is only in its second year and is currently only delivered to a relatively small number of students. The Committee therefore concluded that SEE should continue to be delivered in NSW government schools as an option for students who do not attend SRE. The level of parental support for SEE classes and the anecdotal evidence from SRE providers that SEE classes have not lead to a decrease in SRE enrolments have also supported this conclusion.
- 4.120** The Committee does believe that there should be a review of SEE in the future that, among other matters, looks at the curriculum and delivery issues raised in this report.
- 4.121** The Committee also notes that a number of the delivery issues raised in this chapter were also raised in the context of the delivery of SRE classes. We are also aware that the provision of SRE in NSW government schools has not been formally reviewed for over 30 years, since the

²⁶⁶ Dr Longstaff, Evidence, 24 February 2012, p 28.

²⁶⁷ Mr Sukkarieh, Evidence, 12 March 2012, p 39.

²⁶⁸ Mr Hennessy, Evidence, 12 March 2012, p 24.

1980 Rawlinson Report. As such, the argument proposed by a number of inquiry participants that there be a future review of SRE has merit. Also, the fact that such a review has the support of some SRE providers indicates that the time has come for a review of SRE in NSW government schools.

4.122 Therefore, the Committee recommends that DEC commission an independent review of both SRE and SEE in NSW government schools to be conducted by appropriately qualified early childhood educational reviewers in 2014-2015 that includes the following issues that have been raised in this report:

- Survey of the nature and extent of SRE and SEE
- DEC Implementation Procedures for SRE and SEE including: parent/carer choice through the enrolment process and opting out; approval of SRE and SEE providers by DEC; authorisation of volunteer teachers and curriculum by providers
- Development of complaints procedures and protocols
- SRE and SEE providers training structures
- Registration of SRE and SEE Boards, Associations and Committees
- New modes of patterns of delivery using technology
- Pedagogy, relevance and age appropriateness of teaching and learning across all primary grades in a variety of demographics
- Need for annual confirmation by parents/carers on SRE choice or opting out
- Review of activities and level of supervision for students who do not attend SRE or SEE.

Recommendation 14

That the Department of Education and Communities (DEC) commission an independent review of both Special Religious Education (SRE) and Special Education in Ethics (SEE) in NSW government schools to be conducted by appropriately qualified early childhood educational reviewers in 2014-2015 that includes the following:

- Survey of the nature and extent of SRE and SEE
 - DEC Implementation Procedures for SRE and SEE including: parent/carer choice through the enrolment process and opting out; approval of SRE and SEE providers by DEC; authorisation of volunteer teachers and curriculum by providers
 - Development of complaints procedures and protocols
 - SRE and SEE providers training structures
 - Registration of SRE and SEE Boards, Associations and Committees
 - New modes of patterns of delivery using technology
 - Pedagogy, relevance and age appropriateness of teaching and learning across all primary grades in a variety of demographics
 - Need for annual confirmation by parents/carers on SRE choice or opting out
 - Review of activities and level of supervision for students who do not attend SRE or SEE.
-

Appendix 1 Submissions

No	Author
1	Ms Anne Powles
2	Mr Darren Friend (Partially confidential)
3	Mr Ross Constable
4	Mr Christopher Gaul
5	Mr Howard Lovatt (Partially confidential)
6	Mr John Matthews
7	Ms Rachel Honnery
8	Ms Brenda Bailey
9	Ms Vanessa Thomas (Partially confidential)
10	Mr Gideon Jennings
11	Ms Lyn and Mr Michael Dowling
12	Mr Michael Cahill
13	Ms Penny Szentkuti
14	Ms Terri Flynn
15	Name suppressed
16	Mr Robert Gibson
17	Dr Mark Staples (Partially confidential)
18	Mrs Vicki Simpson
19	Ms Lindsey Hatchwell
20	Ms Caroline Shepherd
21	Mr Daniel Guenther (Partially confidential)
22	Mr John Kolotas
23	Dr Michael A and Mrs Shona M Charleston
24	Ms Sarah Bowen
25	Ms Barbara Davis
26	Mr Ray Dulski
26a	Mr Ray Dulski
27	Ms Danika Hall (Partially confidential)
28	Name suppressed
29	Ms Suzanne Ellis
30	Ms Catherine Pedler
31	Ms Lisa Hickson

No	Author
32	Dr Kim Fenton
33	Mr Fergus Hardingham
34	Mr Stephen Howard (Partially confidential)
35	Mr Tom MacKean
36	Mr Adam Shapiro
37	Mr Eric Torreborre
38	Ms Rachel Griffiths
39	Mrs Elizabeth M Noble
40	Ms Sunali Lewis
41	Ms Diane Adams
42	Ms Samantha Karmel
43	Mr Will and Mrs Rachel D'Arcy
44	Ms Gloria Mao
45	Ms Linda Campbell
46	Dr Fiona Giles
47	Ms Sandra Axam
48	Ms Penny Beitzel
49	Ms Martine Brieger
50	Name suppressed
51	Mr Matthew Joseph Gillman
52	Name suppressed
53	Ms Megan Luke Guenther
54	Mrs Judith Lumsdaine
55	Ms Kathryn Newburg
56	Mr Peter Purcell
57	Ms Anne Twomey
58	Name suppressed
59	Ms Carla Grossetti
60	Ms Linda Eisler
61	Ms Hazel Lambert
62	Ms Suzie Ferrie
63	Mrs Elizabeth Crane
64	Mr Robert Bennett
65	Ms Sally Wallace
66	Dr Stephen Fyson

No	Author
67	Mr Simon Pearce
68	Mr Bart van Deurzen
69	Ms Sally Fryer
70	Ms Brigette Burk
71	Ms Gina Behrens
72	Mrs Tara Zimmer
73	Years 5/6 Ethics Classes (Partially confidential)
74	Mrs Hilda Simpson
75	Mr Peter and Mrs Helen Kidd
76	Ms Dawn Weber
77	Ms Barbara Bell
78	Ms Jemma Rollo
79	Mr Colin Nelson
80	Dr Arthur Gilmour
81	Ms Christine Willmot
82	Name suppressed
83	Ms Joy Newcombe
84	Mr George and Mrs Betty Crockett
85	Mrs Beryl M Sewell
86	Mr Donald C McPhail
87	Mr Gareth Wreford
88	Mrs Gwen and Mr Ian Cochrane
89	Dr Helen Nicholson
90	Mrs Roslyn Deal
91	Name suppressed
92	Ms Greta Werner
93	Dr Klaas Woldring
94	Medowie Public School Parents and Citizens Association
95	Ms Stephanie Clough
96	Mr Bruce and Mrs Roslea Midgley
97	Mr Bruce Coleman
98	Mrs Josephine Kellahan
99	Ms Robyn Brown
100	Mr Philip Bennett
101	Ms Samantha Yorke

No	Author
102	Name suppressed
103	Ms Sandra Otto
104	Ms Kate Ramzan-Levy
105	Mr Mick Mitchell
106	Ms Michelle Moriarty
107	Ms Lisa McKay
108	Mrs Tanya Burrows
109	Ms Shirley S Berg AM
110	Mrs Lyn Davies
111	Mrs E D Ellison
112	Name suppressed
113	Ms Suzanne Jarrett
114	Ms Samantha Donnelly
115	Ms Voren O'Brien
116	Ms Phillippa Bradhurst
117	Ms Zandra Stanton
118	Mr Jesse McNicoll
119	Mr Stuart Davis
120	Ms Tracey Trinder
121	Maroubra Junction Public School
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Appendix 2 Witnesses at hearings

Date	Name	Position and Organisation
24 February 2012, Parliament House Sydney	Mr David Hill	Parent and member of Parents4Ethics
	Ms Tara Thomas	Parent and founding volunteer, Parents4Ethics
	Ms Catherine Suttle	Founding Volunteer, Parents4Ethics
	Ms Marie Perfrement	Parent and founding volunteer, Parents4Ethics
	Mr Russell Wyatt	Parent and Founding Volunteer, Parents4Ethics
	Ms Leith Brooke	Executive General Manager, Primary Ethics
	Ms Teresa Russell	General Manager, Schools, Primary Ethics
	Dr Sue Knight	Curriculum Author, Primary Ethics
	Dr Simon Longstaff	Executive Director, St James Ethics Centre
	Dr Bernadette Tobin	Director, Plunkett Centre for Ethics, Associate Professor and Reader, Australian Catholic University
	Rev Dr Michael Jensen	Lecturer in Doctrine and Church History, Moore College
	Dr Stephen Fyson	Individual
	27 February 2012, Parliament House Sydney	Adjunct Associate Professor Philip Cam
Ms Catherine Byrne		PhD Scholar, Centre for Research and Social Inclusion, Macquarie University
Ms Ann Maree Whenman		Chairperson, Inter-Church Commission on Religious Education in Schools (ICCOREIS)
Mr Peter Adamson		Deputy Chairperson, ICCOREIS
Mr Robert Haddad		Treasurer, ICCOREIS
Ms Sue Sneddon		Executive Officer, ICCOREIS
	Ms Cheryl Best	General Manager, Learning & Development, Department of Education and Communities

Date	Name	Position and Organisation
12 March 2012, Parliament House Sydney	Mr Michael Waterhouse	Acting Executive Director, Office of the Director-General, Department of Education and Communities
	Dr Bryan Cowling	Executive Director, Anglican Education Commission
	Dr Meredith Doig	President, Rationalist Society of Australia
	Mrs Pat Clarke	Executive Member, Federation of Parents and Citizens Association of NSW
	Ms Kelly MacDonald	Research and Policy Officer, Federation of Parents and Citizens Association of NSW
	Mrs Sharon Johnson	Member Services Officer, Federation of Parents and Citizens Association of NSW
	Ms Dianne Giblin	Chief Executive Officer, Australian Council of State Schools Organisations (ACSSO)
	Ms Jenny Grossmith	Vice President, ACSSO
	Mr Jude Hennessy	Liaison Officer, Catholic Conference of Religious Educators in State Schools (CCRESS)
	Mr John Donnelly	Chairman, CCRESS
	Mrs Alison Newell	Secretary, CCRESS
	Mr Ian Baker	Director, Education Policy and Programs, Catholic Education Commission
	Mr Khaled Sukkarieh	Chairman, Islamic Council of NSW
	Rev Dr Ross Clifford	Principal, Morling Theological College
	The Rev Rod Benson	Public Affairs Director, NSW Council of Churches (and Tinsley Institute, Morling College)
Mr Wayne Richards	General Manager, Presbyterian Church of NSW	
Mr Murray Norman	General Manager, Presbyterian Youth	
Mr Peter Adamson	SRE Director, Presbyterian Youth	
Ms Lynda Mulder	Educational Consultant, Presbyterian Youth	
Ms Leith Brooke	Executive General Manager, Primary Ethics	

Ms Teresa Russell	General Manager, Schools, Primary Ethics
Dr Sue Knight	Curriculum Author, Primary Ethics
Dr Simon Longstaff	Executive Director, St James Ethics Centre

Appendix 3 Site visits

Committee Members undertook site visits to two NSW government schools to observe ethics classes:

Thursday, 22 March 2012: Summer Hill Public School

- The following Committee Members attended the site visit: Mr David Clarke, Dr John Kaye and Ms Sarah Mitchell.
- The Committee was accompanied by the following Secretariat staff: Ms Beverly Duffy and Mr Alex Stedman.
- Two ethics classes were observed during the visit.

Thursday, 26 April 2012: Ultimo Primary School

- The following Committee Member attended the site visit: Ms Marie Ficarra
- The Committee was accompanied by the following Secretariat staff: Ms Rachel Callinan.
- One ethics class was observed during the visit.

Appendix 4 Legislative provisions for SRE and SEE

The legislative provisions in the *Education Act 1990* for SRE and SEE are reproduced below:

32 Special religious education

- (1) In every government school, time is to be allowed for the religious education of children of any religious persuasion, but the total number of hours so allowed in a year is not to exceed, for each child, the number of school weeks in the year.
- (2) The religious education to be given to children of any religious persuasion is to be given by a member of the clergy or other religious teacher of that persuasion authorised by the religious body to which the member of the clergy or other religious teacher belongs.
- (3) The religious education to be given is in every case to be the religious education authorised by the religious body to which the member of the clergy or other religious teacher belongs.
- (4) The times at which religious education is to be given to children of a particular religious persuasion are to be fixed by agreement between the principal of the school and the local member of the clergy or other religious teacher of that persuasion.
- (5) Children attending a religious education class are to be separated from other children at the school while the class is held.
- (6) If the relevant member of the clergy or other religious teacher fails to attend the school at the appointed time, the children are to be appropriately cared for at the school during the period set aside for religious education.

33 Objection to religious education

No child at a government school is to be required to receive any general religious education or special religious education if the parent of the child objects to the child's receiving that education.

33A Special education in ethics as secular alternative to special religious education

- (1) Special education in ethics is allowed as a secular alternative to special religious education at government schools.
- (2) If the parent of a child objects to the child receiving special religious education, the child is entitled to receive special education in ethics, but only if:
 - (a) it is reasonably practicable for special education in ethics to be made available to the child at the government school, and
 - (b) the parent requests that the child receive special education in ethics.
- (3) A government school cannot be directed (by the Minister or otherwise) not to make special education in ethics available at the school.

Appendix 5 SEE curriculum framework

The Primary Ethics SEE curriculum framework is provided on the following pages.

Primary Ethics Curriculum Framework

STRUCTURE OF THE CURRICULUM FRAMEWORK

Dr Sue Knight and Dr Carol Collins have developed our curriculum framework as a community service to Primary Ethics. We are deeply grateful to them for this contribution. The curriculum content is being developed on a stage-by-stage level (Stage E1: Kindergarten; Stage 1: Years 1&2; Stage 2: Years 3&4, Stage 3: Years 5&6). Individual topics are taught over a period of two or more Primary Ethics lessons. Each topic will be supported by a set of teaching materials consisting of stimulus materials (including purpose-written scenarios and case studies, along with suggestions for relevant picture books), student-centred activities, exercises and discussion plans, and a set of explanatory teaching notes.

The topics and a short summary of the content of each are listed below. This is a living document that will be refined and amended over time.

Primary Ethics Curriculum Framework

	Topic 1	Topic 2	Topic 3
Kindergarten (Stage E1) Term 1	<p>Thinking together</p> <ul style="list-style-type: none"> • Asking good questions • Time for thinking • Taking turns – speaking and listening 	<p>Thinking together about questions that matter</p> <p>Finding answers to different kinds of questions. Children will begin to distinguish ethical from other kinds of questions and learn how to disagree respectfully.</p>	<p>Putting it all together: ethical inquiry</p> <p>Discussion topic: <i>Being left out</i></p>
Term 2	<p>Giving and asking for reasons</p> <p>When should/do we give reasons? Giving reasons to our teachers, parents, friends, brothers or sisters</p>	<p>Needs of animals</p> <p>What do animals need in order to live good lives?</p>	<p>Distinguishing social conventions from morals</p> <p>Examples: Pushing in, staring, table manners, please and thank you.</p>
Term 3	<p>Friendship</p> <p>Why do people have friends? How do we know if someone is our friend? What makes a good friend?</p>	<p>Acting fairly</p> <p>Discussing what is fair in a variety of situations familiar to Kindergarten students.</p>	<p>Telling a secret</p> <p>A discussion around what secrets are and when it's OK to share them and why.</p>
Term 4	<p>Why do we have rules?</p> <p>Do rules apply to everyone? What if there were no rules? Classroom/school-based examples.</p>	<p>Should we tell on people who do the wrong thing?</p> <p>A discussion of what 'doing the wrong thing' means and asking the questions:</p> <ul style="list-style-type: none"> • Should we always tell? • Should we never tell? • Should we sometimes tell? • How can we work it out? 	<p>Caring for the environment</p> <p>Is it always OK to swing on the branches of a tree? Or to collect shells from the beach? Or catch tadpoles in the creek/small crabs/insects...? How do we decide what's OK to do?</p>

Primary Ethics Curriculum Framework

Year 1 (Stage 1.1)	Topic 1	Topic 2	Topic 3
<p>Term 1</p> <p><i>Stereotyping: Prejudice</i></p> <p>Can we tell what people are like just by looking at them?</p>	<p><i>Evaluating Reasons</i></p> <ul style="list-style-type: none"> Focus on the notions of relevance and truth, aiming at intuitive appreciation Working out what is true 	<p><i>Respectful disagreement:</i></p> <p>What does 'disagreeing respectfully' involve? Listening carefully, not making fun, questioning and asking for reasons, understanding different views.</p>	<p><i>Teasing: fun at the expense of others?</i></p> <p>Students consider questions around what it feels like to be teased and whether moral rules apply to all</p>
<p>Term 2</p>	<p><i>Empathy</i></p> <p>Putting ourselves in others' shoes – exercises and role play activities</p>	<p><i>Is it always wrong to...?</i></p> <p>Exploring universal moral claims</p> <ul style="list-style-type: none"> Are some kinds of actions always wrong, no matter what, or should we take circumstances into account? 	<p><i>Sharing: Why should we share? When should we share?</i></p> <p>Classroom and friendship examples</p>
<p>Term 3</p>	<p><i>Fairness</i></p> <p>What does it mean to 'harm' the environment?</p> <ul style="list-style-type: none"> Needs of plants Can plants feel pain? Can harming plants harm animals or people? 	<p><i>Different kinds of animals - different needs?</i></p> <p>Differences between wild animals and pets. Is it OK to keep wild animals as pets?</p>	<p><i>Are rules fair?</i></p> <p>Classroom and family examples: different bedtimes, being kept in at recess...</p>
<p>Term 4</p>	<p><i>Being different and being the same</i></p> <ul style="list-style-type: none"> How are we different from one another? What would it be like if we were all exactly the same? How are we the same? 	<p><i>Being different and being the same</i></p> <p>A focus on fairness being equal treatment and the limitations of that approach using classroom and family examples.</p>	<p><i>Being different and being the same</i></p> <ul style="list-style-type: none"> How are we different from one another? What would it be like if we were all exactly the same? How are we the same?

Primary Ethics Curriculum Framework

Year 2 (Stage 1.2)	Topic 1	Topic 2	Topic 3
Term 1	<p><i>Pride: When do we have the right to be proud?</i></p> <p>Using relevant examples, students will discuss the issue of what kinds of things we have a right to be proud of... and why.</p>	<p><i>Reasoning with 'All'</i></p> <p>Generalisations and over-generalisations - introduction to inductive reasoning.</p>	<p><i>What makes you, you?</i></p> <p>Is it the way we look, the way we act, the way we think? What part does personality/character play?</p>
Term 2	<p><i>Beauty</i></p> <ul style="list-style-type: none"> • What makes someone beautiful? • Beauty on the inside vs. beauty on the outside – is one more important than the other? 	<p><i>Evaluating Reasons/ content focussed</i></p> <p>Practice in distinguishing good and bad reasons (relevance and truth)</p>	<p><i>Fairness: focus on fairness as 'needs' and 'desert'</i></p> <p>Children will discuss the issue of fairness using school, friendship and family examples.</p>
Term 3	<p><i>Courage</i></p> <p>Students will discuss the question of whether we have a moral responsibility to stand up for others who need our help (friends/not-friends), even though it may be hard/bad for us. Or whether we should put our views forward when we know others, including our friends, disagree with us.</p>	<p><i>Understanding and forgiving</i></p> <p>Discussion based on Ezra Jack Keat's picture book 'Maggie and the Pirate' (Four Winds Books, 1979)</p>	<p><i>Reasoning with 'all' and 'only'</i></p> <p>Using exercises, students will discuss the different meanings of 'only' and what that means when reasoning with 'all' and 'only'. Stereotyping examples</p>
Term 4	<p><i>Ownership/ stewardship</i></p> <ul style="list-style-type: none"> • Does anyone own the forests, oceans, atmosphere etc? • Do they need looking after? • If no one owns them, who should care for them? 	<p><i>Making moral choices</i></p> <ul style="list-style-type: none"> • Do you know when you've done something wrong? • How do you know? 	<p><i>Happiness</i></p> <ul style="list-style-type: none"> • What makes us happy? • Can we be happy when everyone around us isn't happy? • Can we be happy if we only care about ourselves?

Primary Ethics Curriculum Framework

Year 3 (Stage 2.1)	Topic 1	Topic 2	Topic 3
Term 1	<p><i>Why be moral?</i></p> <p>Using school, sporting, societal and environmental examples, students will discuss what it means to 'do the right thing' in a variety of situations.</p>	<p>Arguments</p> <p>Arguing with 'no'</p> <p>Discussion of ethical content is contained within exercises.</p>	<p>Disagreeing respectfully about controversial issues</p> <p>Students will run through a series of exercises to help them think about the issues surrounding disagreeing with others in a respectful manner.</p>
Term 2	<p><i>Is it right to keep animals in zoos?</i></p> <p>Empirical knowledge: purposes of zoos, nature and welfare of animals compared with humans.</p>	<p>'Bragging' (boasting)</p> <p>An examination of bragging precedes a discussion about whether bragging is the same as lying and whether it is ever right to brag or boast.</p> <p>Examples from school/home/sport/media</p>	<p>Children's rights: Child Labour</p> <p>Using a case study example of children working in cocoa plantations in western Africa, students will discuss issues around child labour and consider what their moral responsibility is in relation to this and similar issues?</p>
Term 3	<p>Diversity and tolerance</p> <p>Using cultural examples, students will identify the differences in underlying factual beliefs and circumstances. Are some actions, such as bullying, morally wrong, even if some people believe they are not?</p>	<p>Breaking a promise</p> <p>Using personal and societal examples, students will discuss issues around the rights and wrongs of breaking promises.</p>	<p>Identifying underlying assumptions</p> <p>Students learn what assumptions are and discuss the dangers of hidden assumptions through exercises.</p>
Term 4	<p>Endangered species and extinction</p> <p>Does it matter if gorillas, elephants, polar bears etc. become extinct? What about rats or mosquitoes or some species of plants? Would it be right for scientists to bring back some extinct species?</p>	<p>Being generous</p> <p>Why do we give? When you give, do you expect to receive something in return? Do we only give gifts to people we like? How do we decide who we should give to, and how much to give?</p>	<p>Saying sorry</p> <p>Using personal and societal examples, students will discuss issues around saying sorry – why, when, what does it mean and does it have to be accompanied by action?</p>

Primary Ethics Curriculum Framework

Year 4 (Stage 2.2)	Topic 1	Topic 2	Topic 3
Term 1	<p><i>Greed</i></p> <p>Students will discover the difference between wants, preferences and needs and discuss the question, "What do Australians need in order to be happy?" Further discussion will centre on consumerism and ethical shopping.</p>	<p><i>Lying and truth telling</i></p> <p>Using examples, students will discuss what makes lying morally wrong and whether lying is wrong under all circumstances. Students will also examine the broader societal effects of lying.</p>	<p><i>Cheating</i></p> <p>What counts as cheating? Why do people cheat? Is it ok to cheat if the rules are unfair? What if everybody did it? Is cheating always wrong?</p>
Term 2	<p><i>Advertising</i></p> <p>Students will examine the difference between persuasion based on reason, emotion, desire, peer pressure and societal expectations. They will then discuss legal and moral issues around dishonest advertising and irrational persuasion.</p>	<p><i>Being an ethical consumer: palm oil and orang-utans</i></p> <p>Using a case study from Borneo, children will examine the issues around being an informed and ethical consumer.</p>	<p><i>Reality TV</i></p> <p>Through an examination of reality TV programs, students will discuss the question of whether it is ok to treat contestants unfairly for the sake of entertainment/TV ratings.</p>
Term 3	<p><i>Whaling</i></p> <p>Is whaling morally wrong, even though it is part of Japanese/Norwegian culture?</p>	<p><i>Introduction to validity</i></p> <p>Students will exercise their intuitive notions of validity and hidden premises by discussing a range of applicable scenarios.</p>	<p><i>Gossip and social media</i></p> <p>An examination of the relationship between gossip and harm – especially with respect to social networking sites.</p>
Term 4	<p><i>Induction</i></p> <p>Can we prove general claims true or false? How reliable is observation?</p>	<p><i>Getting even</i></p> <p>Using children's own examples, they will investigate the concept of 'pay back' and the costs and benefits of getting even. This will be followed by a discussion around different ways of resolving conflict.</p>	<p><i>Intention</i></p> <p>'I didn't mean to do it!' What do we mean when we say this? Students will examine the relationship between intention and blame.</p>

Primary Ethics Curriculum Framework

<p>Year 5 (Stage 3.1)</p>	<p>Topic 1 <i>Performance enhancing drugs in sport</i> Performance enhancing drugs are banned in all sports. Students will discuss the concept of unfair advantage and whether the taking of performance enhancing drugs is morally wrong.</p>	<p>Topic 2 <i>Image: How much should we care about the way that we and others look?</i> Students will examine the issue of image, including how much they are influenced by fashion, advertising and what their friends think and whether the way other people look affects the way we treat them.</p>	<p>Topic 3 <i>What does it mean to be patriotic?</i> What is patriotism? Does it mean putting Australia and Australians first? Can we be patriotic and egalitarian? Students will also look at the issue of cultural stereotyping.</p>
<p>Term 1</p>	<p>Punishment Students will examine issues around punishment, leading to the final question, 'Can punishment be fair?'</p>	<p>Structure of Arguments Students will examine all aspects of arguments including premises, hidden premises, conclusions and what makes good and bad arguments.</p>	<p>How far does our moral responsibility extend? Using age-appropriate scenarios, students will examine the issue of how far moral responsibility should or does extend.</p>
<p>Term 2</p>	<p>Stealing is illegal. Is it also morally wrong? Through discussion of various scenarios, students will consider whether stealing is morally wrong in all circumstances.</p>	<p>Validity Students will learn what a valid argument is by considering 'if-then' statements, and the classical logic of modus ponens and modus tollens.</p>	<p>Homelessness Do we, as individuals and as a society, have a responsibility to help those who are homeless?</p>
<p>Term 3</p>	<p>Killing animals for food: is it morally right to eat animals? Using the yes/no/don't know approach, students will state their initial opinions and reasons, which will be followed by whole class evaluation of the arguments.</p>	<p>Spirits, rhino horns, big bangs and genes: Why should we trust science? Students will examine false beliefs that matter and the use of theories (everyday and scientific) as explanations. They will then look at the issues of choosing between competing theories.</p>	<p>Fairness: treating people equally or unequally? Is it fair to treat people (or groups of people) equally? Why or why not? Is it ever fair to treat people (or groups) unequally? Why or why not?</p>

Primary Ethics Curriculum Framework

<p>Year 6 (Stage 3.2) Term 1</p>	<p>Topic 1 <i>A fair society?</i> Students will use <i>The Outsiders</i> story to consider issues of fairness in society.</p>	<p>Topic 2 <i>Should Human Rights be extended to other animals?</i> Human rights: where do rights come from and how are they justified? What obligations do they impose on governments and individuals? To what extent, if any, should human rights be extended to other living creatures?</p>	<p>Topic 3 <i>Only two topics in Term 1</i></p>
<p>Term 2</p>	<p>Fatalism Are our futures and fates fixed? Does what we do today have any effect on what happens in the future?</p>	<p>Beliefs, Opinions, Tolerance and Respect What does it mean to respect another person's beliefs or opinions? Should we always respect the beliefs of others? To what extent should we be tolerant of moral difference?</p>	<p>Moral responsibility To what extent can we be held morally responsible for our actions? What might it mean for society if it turned out that even our conscious decisions were determined in advance?</p>
<p>Term 3</p>	<p>Voting - an ethical issue? Students will explore what issues determine how we vote in school and government elections – and whether we should vote solely on the basis of self-interest.</p>	<p>Revisiting the danger of appealing blindly to authority – the law, the majority, religion... To what extent do we still appeal unquestioningly to authorities in our everyday lives? What are the consequences of thinking and acting for one's self? Students will look at examples of groups that have refused to follow blindly.</p>	<p>Revisiting the dangers of relativism Human rights/women's rights: historical and contemporary issues/case studies</p>
<p>Term 4</p>	<p>The value of nature and the environment. Does nature have intrinsic value? Is the environment worthy of moral consideration just because it exists? Or does it have value only because it meets human needs?</p>	<p>Can war ever be just? What is wrong with war? Is it ever right to go to war? Students will examine the issue of pacifism and non-violence (e.g., Ghandi) and discuss if there is a moral way to conduct war.</p>	<p>An ethical life Consideration of our moral responsibility to others. To what extent do we have a responsibility to continue examining and discussing ethical issues once we leave Primary Ethics classes? Should we always stand up for our beliefs?</p>

Appendix 6 Minutes

Minutes No. 10

Friday, 25 November 2011

General Purpose Standing Committee No 2

Members Lounge, Parliament House, Sydney, at 9.15 am

1. Members present

Ms Ficarra *Chair*

Mr Green *Deputy Chair*

Ms Barham (until 9.26 am)

Mr Clarke

Mr Moselmane

Mrs Mitchell

Dr Kaye (Barham)

2. Apologies

Ms Westwood

3. Substitute members

The Chair advised that he had received written advice that the following members would be substituting for the purposes of this hearing:

- Dr Kaye to substitute for Ms Barham during the discussion of the Inquiry into the Education Amendment (Ethics) Act 2010

4. Draft minutes

Resolved on the motion of Mr Clarke: That Draft Minutes nos 3, 4, 5, 7, 8 and 9 be confirmed.

Resolved, on the motion of Mr Moselmane: That Draft Minutes no 6 be confirmed.

5. ****

6. Inquiry into the Education Amendment (Ethics) Act 2010

The Chair tabled terms of reference received from the House on 11 November 2011.

Resolved, on the motion of Mr Green:

- That the closing date for submissions be 10 February 2012.
- That advertisements calling for submissions be placed in the Sydney Morning Herald and Daily Telegraph as soon as practicable.
- That the Committee hold public hearings at Parliament House on Friday 24 February 2012, Monday 27 February 2012, Monday 12 March 2012 with a reserve hearing day on Friday 16 March 2012.
- That the secretariat develop a background paper for the inquiry.
- That the secretariat to circulate a draft stakeholder list to members by 7 December 2011, and members to provide any additional contacts by 5pm, 9 December 2011.

7. Adjournment

The Committee adjourned at 9:40 am, *sine die*.

Beverly Duffy

Clerk to the Committee

Minutes No. 11

Monday, 6 February 2012

General Purpose Standing Committee No 2

Room 1254, Parliament House, Sydney, at 11.00 am

1. Members present

Ms Ficarra *Chair*

Mr Clarke

Mr Moselmane

Mrs Mitchell

Ms Westwood

Dr Kaye (Barham)

Rev Nile (Green)

2. Substitute members

The Chair advised that Rev Nile would be substituting for Mr Green for the meeting.

3. Previous minutes

Resolved, on the motion of Mr Clarke: That Draft Minutes No 10 be confirmed.

4. ****

5. Inquiry into the Education Amendment (Ethics Classes Repeal) Bill 2011

5.1 Issues concerning the wording of the terms of reference

The Clerk advised the Committee of a technical issue regarding the wording of the Inquiry terms of reference.

Resolved, on the motion of Mr Moselmane: That the Committee acknowledge this issue in its opening statement and final report.

5.2 Submissions

5.2.1 Public submissions

Resolved, on the motion of Dr Kaye: That the Committee authorise the publication of submission Nos 1-14, 16-27, 29-49, 51, 53-57, 59-60, 62-79, 81, and 83-89.

Resolved, on the motion of Mrs Mitchell: That the Committee authorise the publication of submission No 80.

5.2.2 Partially confidential submissions

Resolved, on the motion of Mr Moselmane: That the Committee authorise:

- the publication of submission Nos 15, 28, 50, 52, 58, 61 and 82 with the exception of the author's names, which are to remain confidential;
- the secretariat to redact school names where reference is made such that it is possible to identify a child from all current and future submissions; and
- the publication of submission No 73 with the names of children as signatories to it removed.

5.2.3 Future publication of submissions

Resolved, on the motion of Mr Moselmane: That the Committee authorise the publication of all future submissions to the inquiry into the Education Amendment (Ethics Classes Repeal) Bill 2011, subject to the Committee Clerk checking for confidentiality, adverse mention and other issues. Submissions identified as containing confidentiality, adverse mention or other issues will then be considered by the Committee.

5.2.4 Submission closing date

Resolved, on the motion of Rev Nile: That the secretariat notes on the Inquiry website that late submissions will be accepted.

5.3 Hearings and witnesses

Resolved, on the motion of Ms Westwood: That the Committee adopt the proposed witness schedule prepared by the secretariat.

6. Adjournment

The Committee adjourned at 11:15 am until Friday 24 February 2012, Macquarie Room, 9:30 am, Public hearing: Inquiry into the Education Amendment (Ethics Classes Repeal) Bill 2011.

Alex Stedman

Clerk to the Committee

Minutes No. 12

Friday, 24 February 2012

General Purpose Standing Committee No 2

Macquarie Room, Parliament House, Sydney, at 9.15 am

1. Members present

Ms Ficarra *Chair*

Mr Green *Deputy Chair*

Mr Clarke

Mrs Mitchell

Mr Donnelly (Westwood)

Dr Kaye (Barham)

Mr Moselmane

Revd Nile (*participating member*)

2. Substitute members

The Chair advised that Mr Donnelly would be substituting for Ms Westwood for the meeting.

The Chair advised that Mr Roozendaal would substitute for Ms Westwood for the meeting on Monday 27 February 2012.

3. Participating member

The Chair advised that Revd Nile would attend the meeting as a participating member.

4. Previous minutes

Resolved, on the motion of Mrs Mitchell: That Draft Minutes No 11 be confirmed.

5. Correspondence***Received:***

The Committee noted the following items of correspondence received:

- 10 February 2012 – From Mr Ian Baker, Director – Education Policy and Programs, Catholic Education Commission New South Wales – advice of their intention to make a submission.
- 22 February 2012 – From Mr Bruce Hogan, Chairman, Primary Ethics, requesting the Committee to sign a confidentially agreement to keep the organisation's curriculum confidential.

Sent:

The Committee noted the following item of correspondence sent:

- 22 February 2012 – From Chair to Mr Bruce Hogan, Chairman, Primary Ethics, requesting a copy of the ethics curriculum and advising of the Committee’s approach to treat the document as confidential.

Resolved, on the motion of Mr Clarke: That

- copies of the Primary Ethics curriculum be accepted by the Committee and circulated to Members on the morning of Friday 24 February 2012, for the purposes of asking questions about the curriculum to witnesses representing Primary Ethics
- members return their copy of the curriculum to the Committee Director after the public hearing on Friday 24 February 2012
- the secretariat retain one copy of the curriculum on a confidential basis, for tabling.

6. Inquiry into the Education Amendment (Ethics Classes Repeal) Bill 2011

6.1 Submissions

The Committee noted that it had received a further 91 submissions to date.

Public submissions

The Committee noted that in accordance its resolution of 6 February 2012, the following submissions to the Inquiry had been published: submission Nos 92-101, 103 -105 ,107-111, 113, 114, 116-121, 123, 125, 126, 128-130, 133-142, 144, 146-153, 156, 158, 159, 161-167, 169-172, 174-179, 181-182, and 202-203.

Resolved, on the motion of Dr Kaye: That the Committee not publish submission No 122 on the Committee’s website, as requested by the author.

Partially confidential submissions - requested

Resolved, on the motion of Mr Green: That the Committee authorise the publication of submission Nos 91, 102, 112, 127, 132, 137, 143, 160, 173 and 180 with the exception of the author’s names, which are to remain confidential.

Partially confidential submission – identify children

The Committee noted that in accordance with its resolution of 6 February 2012, the following submissions to the Inquiry have had the school names redacted from the submissions to avoid identification of children and then published: submission Nos 90, 106, 115, 124, 131, 145, 154, 157, and 168.

Confidential submission – requested

Resolved, on the motion of Mr Clarke: That submission No 155 remain confidential.

6.2 Questions on Notice

Resolved, on the motion of Mr Donnelly: That witnesses be requested to provide answers to questions on notice within 21 days of the date of the letter providing the questions.

6.3 Public hearing

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witnesses from Parents4Ethics were sworn and examined:

- Ms Tara Thomas, Founding Volunteer
- Ms Catherine Suttle, Founding Volunteer
- Mr David Hill, Founding Volunteer
- Mr Russell Wyatt, Founding Volunteer
- Ms Maree Perfrement, Founding Volunteer.

The evidence concluded and the witnesses withdrew.

The following witnesses from Primary Ethics were sworn and examined:

- Ms Leith Brooke, Executive General Manager

- Ms Teresa Russell, General Manager, Schools
- Dr Sue Knight, Curriculum Author
- Dr Simon Longstaff, St James Ethics Centre.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Dr Bernadette Tobin, Director, Plunkett Centre for Ethics, Australian Catholic University.
- The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Rev Dr Michael Jensen, Lecturer in Doctrine and Church History, Moore College.
- The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Dr Stephen Fyson.

Dr Fyson tendered the following document:

- Information page taken from the St James Ethics Centre Website regarding ethics classes and special religious education.

The evidence concluded and the witness withdrew.

The public hearing concluded.

The public and the media withdrew.

6.4 Supplementary questions on notice

Resolved, on the motion of Mrs Mitchell: That supplementary questions on notice be provided to the secretariat by 5pm Monday 27 February 2012, for witnesses appearing at the public hearings on 24 February 2012.

6.5 Tabled documents

Resolved, on the motion of Mr Moselmann: That the Committee accept the following document tendered by Dr Fyson during the public hearing:

- Information taken from the St James Ethics Centre's website regarding ethics classes and special religious education.

6.6 Second appearance of Primary Ethics before the Committee

Resolved, on the motion of Dr Kaye: That Primary Ethics be invited to give evidence, for a second time, on 12 March 2012.

7. Adjournment

The Committee adjourned at 1.58 pm until Monday 27 February 2012, Macquarie Room, 9:20 am, for a public hearing: Inquiry into the Education Amendment (Ethics Classes Repeal) Bill 2011.

Alex Stedman

Clerk to the Committee

Minutes No. 13

Monday, 27 February 2012

General Purpose Standing Committee No 2

Macquarie Room, Parliament House, Sydney, at 9.20 am

1. Members present

Ms Ficarra *Chair*

Mr Clarke
Mr Moselmane
Mrs Mitchell
Mr Roozendaal (Westwood)
Dr Kaye (Barham)
Revd Nile (Green)

2. Substitute members

The Chair advised that Revd Nile would be substituting for Mr Green for the meeting.

3. Submissions

The Committee noted that the following submission has been published on its website: 205.

4. Supplementary questions on notice

Resolved, on the motion of Dr Kaye: That additional questions on notice be provided to the secretariat by 5pm Tuesday 28 February 2012, for witnesses appearing at the public hearing on 27 February 2012.

5. Public hearing

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witness was sworn and examined:

- Adjunct Associate Professor Philip Cam, School of History and Philosophy, University of NSW.
- The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Ms Catherine Byrne, PhD Scholar, Macquarie University, Centre for Research and Social Inclusion.
- The evidence concluded and the witness withdrew.

The following witnesses from the Inter-Church Commission on Religious Education in Schools (ICCOREIS) were sworn and examined:

- Ms Ann Maree Whenman, Chairperson
- Mr Peter Adamson, Deputy Chairperson
- Mr Robert Haddad, Treasurer
- Mr Sue Sneddon, Executive Officer.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Cheryl Best, General Manager, Learning & Development, Department of Education and Communities
- Mr Michael Waterhouse, A/Director, Office of the Director-General, Department of Education and Communities.

Ms Best tendered the following document:

- Student enrolment application form for NSW Government Schools.
- The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Dr Bryan Cowling, Executive Director, Anglican Education Commission.
- Dr Cowling: tendered the following document:

- A précis of five main points regarding the Inquiry.
The evidence concluded and the witness withdrew.

The public hearing concluded.

The public and the media withdrew.

6. Site visit to view Ethics Classes

Resolved, on the motion of Revd Nile: That the Committee accept the invitation of Primary Ethics to observe an ethics class in a public school.

7. Second appearance of Primary Ethics

Resolved, on the motion of Mr Moselmann: That Dr Sue Knight, Curriculum Author, Primary Ethics, be able to give evidence by teleconference.

8. Adjournment

The Committee adjourned at 3.09 pm until Monday 12 March 2012, Macquarie Room, 9:30 am, for a public hearing: Inquiry into the Education Amendment (Ethics Classes Repeal) Bill 2011.

Alex Stedman

Clerk to the Committee

Minutes No. 14

Monday, 12 March 2012

General Purpose Standing Committee No 2

Macquarie Room, Parliament House, Sydney, at 9.20 am

1. Members present

Ms Ficarra *Chair*

Mr Clarke

Mr Moselmann

Mrs Mitchell

Ms Westwood

Mr Green

Dr Kaye (Barham)

2. Previous minutes

Resolved, on the motion of Dr Kaye: That draft minutes Nos 12 and 13 be confirmed.

3. Correspondence

Received

The Committee noted the following items of correspondence received:

- 3 March 2012 – From Mr Bruce Hogan, Chairman, Primary Ethics, providing the requested copy of a survey report carried out by Primary Ethics and requesting the report be kept confidential.
- 9 March 2012 – From Rev Dr Brian Brown, Moderator, The Uniting Church in Australia, Synod of NSW and the ACT, advising that the Church had declined the Committee's invitation to appear at the public hearings on 12 March 2012.

Resolved, on the motion of Dr Kaye: That the Committee keep the survey report provided by Primary Ethics confidential.

4. Inquiry into the Education Amendment (Ethics Classes Repeal) Bill 2011

4.1 Submissions

The Committee noted that it had received further submissions.

Public submissions

The Committee noted that in accordance its resolution of 6 February 2012, the following submissions to the Inquiry had been published: submission Nos 183-187, 190-193, 195, 197-201, 204, 206-222, 224-239, 241, 248, 251, 255-267, 269, 270, 275, 277, 280-287, 288-296, 300-308, 314-318, 319, 320, 322, 323, 327, 330, 332, 334, 335, 338, 340-343, 345, 346, 348, 349,353, 353a, 353b, 356, 358, 362, 365-368, 370, 374, 375, 377-379, 381-388, 390-394, 396-397 and 399.

Partially confidential submissions – requested

Resolved, on the motion of Mr Moselmane: That the Committee authorise the publication of submission Nos 189, 240, 242, 243, 244, 246, 247, 249, 250, 253, 254, 268, 272, 273, 274, 276, 279, 297, 299, 310, 321, 324, 325, 328, 329, 331, 337, 339, 347a, 350, 351, 354, 355, 357, 359, 360, 361, 363, 371, 372, 373, 398, 400, and 402 with the exception of the author's names, which are to remain confidential.

Partially confidential submissions – identify children

The Committee noted that in accordance its resolution of 6 February 2012, the following submissions to the Inquiry have had the school names redacted from the submissions to avoid identification of children and then published: submission Nos 188, 194, 196, 252, 311, 312, 313, 326, 352, 364, 380, 389, 395 and 403.

Confidential submission – requested

Resolved, on the motion of Ms Westwood: That submission Nos 223, 245, 271, 278, 298, 333, 336, 344, 347 and 369 remain confidential.

Submissions with adverse mention

Resolved, on the motion of Dr Kaye: That submission No 309 remain confidential because it does not address the terms of reference.

Resolved, on the motion of Mr Clarke: That submission No 404 remain confidential because it does not address the terms of reference.

4.2 Future conduct of inquiry

Report deliberative date

Resolved, on the motion of Mrs Mitchell: That the Committee hold the report deliberative on Friday 25 May 2012.

Correspondence from Primary Ethics

The Committee Clerk tendered correspondence received:

- 9 March 2012 – From Ms Leith Brooke, Executive General Manager, Primary Ethics, requesting that the Committee pay for Dr Sue Knight's return flight from Adelaide to Sydney to allow her to attend the public hearings on 12 March 2012 in person rather than by teleconference.

Dr Kaye moved: That the Committee pay for Dr Knight's return flight from Adelaide to Sydney.

Question put.

The Committee divided.

Ayes: Dr Kaye, Ms Westwood, Mr Moselmane.

Noes: Ms Ficarra, Mrs Mitchell, Mr Green, Mr Clarke.

Question resolved in the negative.

4.3 Supplementary questions on notice

Resolved, on the motion of Ms Westwood: That additional questions on notice be provided to the Secretariat by 5pm Wednesday 14 March 2012, for witnesses appearing at the public hearings on 12 March 2012.

4.4 Public hearing

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witness was sworn and examined:

- Dr Meredith Doig, President, Rationalist Society of Australia.

The evidence concluded and the witness withdrew.

The following witnesses from the Federation of Parents and Citizen's Association of NSW were sworn and examined:

- Mrs Pat Clarke, Executive Member
- Ms Kelly MacDonald, Research and Policy Officer
- Mrs Sharon Johnson, Member Services Officer.

The evidence concluded and the witnesses withdrew.

The following witnesses from the Australian Council of State School Organisations were sworn and examined:

- Ms Dianne Giblin, Chief Executive Officer
- Ms Jenny Grossmith, Vice President.

The evidence concluded and the witnesses withdrew.

The following witnesses from the Catholic Conference of Religious Educators in State Schools were sworn and examined:

- Mr Jude Hennessy, Liaison Officer
- Mr John Donnelly, Chairman
- Mrs Alison Newell, Secretary
- Mr Ian Baker, Director, Education Policy and Programs, Catholic Education Commission.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Mr Khaled Sukkarieh, Chairman, Islamic Council of NSW.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- The Rev Dr Ross Clifford, Principal, Morling Theological College
- The Rev Rod Benson, Public Affairs Director, NSW Council of Churches.

The evidence concluded and the witnesses withdrew.

The following witnesses from Presbyterian Youth were sworn and examined:

- Mr Murray Norman, General Manager
- Mr Peter Adamson, SRE Director
- Ms Lynda Mulder, Educational Consultant
- Mr Wayne Richards, General Manager, Presbyterian Church of NSW.

The evidence concluded and the witnesses withdrew.

The following witnesses from Primary Ethics were sworn and examined:

- Ms Leith Brooke, Executive General Manager

- Ms Teresa Russell, General Manager, Schools
- Dr Sue Knight, Curriculum Author
- Dr Simon Longstaff, Executive Director, St James Ethics Centre.

•
Ms Russell tendered the following documents:

- Correspondence between Primary Ethics and the Presbyterian Church of NSW
- Correspondence between Primary Ethics and the Inter-Church Commission on Religious Education in Schools.

The evidence concluded and the witnesses withdrew.

The public hearing concluded.

The public and the media withdrew.

4.5 Tabled documents

Resolved, on the motion of Mr Green: That the Committee publish the email correspondence tendered by Primary Ethics, subject to approval from the Presbyterian Church to publish this correspondence and the removal of email addresses.

5. Adjournment

The Committee adjourned at 4.51 pm *sine die*.

Alex Stedman

Clerk to the Committee

Minutes No. 15

Thursday 22 March 2012

General Purpose Standing Committee No 2

Moonbie Street, Summer Hill Public School, Sydney at 10.00 am

1. Members present

Mr Clarke

Mrs Mitchell

Dr Kaye (Barham)

2. Inquiry into the Education Amendment (Ethics Classes Repeal) Bill 2011 – Site Visit

Committee members travelled to Summer Hill Public School to observe an Ethics Class. Committee members met with the following ethics volunteers at Summer Hill Public School:

- Ms Susan Terravecchia, Volunteer Ethics Coordinator
- Ms Deborah Rice, Volunteer Ethics Teacher
- Mr Thorin Munro, Volunteer Ethics Teacher.

Committee members met with Mr Greg McLachlan, Principal, Summer Hill Public School, and with Ms Teresa Russell, Director and General Manager – Schools, Primary Ethics.

3. Adjournment

The Committee adjourned at 11.15 am *sine die*.

Alex Stedman

Clerk to the Committee

Draft Minutes No. 16

Friday, 25 May 2012

General Purpose Standing Committee No 2

Room 1136, Parliament House, Sydney at 9.00 a.m.

1. Members presentMs Ficarra, *Chair*

Revd Nile (Green)

Mr Clarke

Dr Kaye

Ms Mitchell

Mr Moselmane

Ms Voltz (Westwood)

2. Previous minutes

Resolved, on the motion of Dr Kaye: That draft Minutes Nos.14 and 15 be confirmed.

3. Inquiry into the Education Amendment (Ethics Classes Repeal) Bill 2011

The Committee noted that Mr Green was unable to attend this meeting as he was required at another parliamentary committee meeting.

3.1 Correspondence

The Committee noted the following items of correspondence:

Received

- 9 March 2012 – From Ms Leith Brooke, Primary Ethics, providing answers to QON.
- 13 March 2012 – From Dr Bryan Cowling, Anglican Education Commission, providing answers to QON.
- 19 March 2012 – From Professor Phillip Cam providing answers to QON.
- 20 March 2012 - From Dr Bernadette Tobin providing answers to QON.
- 20 March 2012 – From Ms Tara Thomas, Parents4Ethics, providing answers to QON.
- 20 March 2012 – From Rev Dr Michael Jensen providing answers to QON.
- 20 March 2012 – From Ms Cheryl Best, Department of Education and Communities providing answers to QON.
- 21 March 2012 – From Mr Peter Adamson, ICCOREIS providing answers to QON.
- 5 April 2012 – From Ms Kelly MacDonald, Federation of Parents and Citizens' Association of NSW, providing answers to QON.
- 16 April 2012 – From Dr Simon Longstaff, St James Ethics Centre, providing answers to QON.
- 17 April 2012 – From Ms Diane Giblin, Australian Council of State School Organisations, providing answers to QON.
- 23 May 2012 - From the Minister for Education, to the Chair, providing further advice on Ministerial oversight of ethics classes.

Sent

- 15 May 2012 – From Chair to Principal of Summer Hill Public School thanking students and staff for hosting the visit by Members to observe an ethics class.
- 15 May 2012 – From Chair to Principal of Ultimo Public School thanking students and staff for hosting the visit by Members to observe an ethics class.
- 17 May 2012 – From Chair to Minister for Education seeking clarification on the issue of Ministerial oversight of ethics classes.

3.2 Visit to Ultimo Public School

The Committee noted that the Chair visited Ultimo Public School on 26 April 2012 to observe an ethics class.

3.3 Submissions

The Committee noted that it had received further submissions.

Public submissions

The Committee noted that in accordance its resolution of 6 February 2012, the following submissions to the inquiry had been published: submission Nos 26a, 406, 407, 408, 409, 410, 411, 415, 416, 417, 418, 419, 420, 421, 422, 423, 425, 426, 427, 430, 432, 433, 435, 437, 438, 441, 443, 444, 446, 450, 451, 453, 457, 459, 460, 461, 462, 464, 469, 470, 472 and 473.

Partially confidential submissions – identify children

The Committee noted that in accordance its resolution of 6 February 2012, the following submissions to the inquiry have had the school names redacted from the submissions to avoid identification of children and then published: submission Nos 405, 413, 431, 436, 440, 454, 455, and 463.

Partially confidential submissions – requested

Resolved, on the motion of Mr Moselmane: That the Committee authorise the publication of submission Nos 412, 414, 424, 429, 434, 439, 442, 445, 447, 448, 449, 452, 465, 466, 467 and 468 with the exception of the author's names, which are to remain confidential.

Confidential submission – requested

Resolved, on the motion of Revd Nile: That submission Nos 428, 456, 458, and 471 remain confidential.

Status change of submissions

Submission Nos 151, 159, 208 and 308 have previously been published. Authors of Submission Nos. 151, 159, 208 and 308 have since contacted the Secretariat to request that their names be suppressed.

Resolved, on the motion of Mr Moselmane: That the Committee authorise the publication of submission Nos 151, 159, 208 and 308 with the exception of the author's names, which are to remain confidential.

Submission No. 213 has previously been published. The author of Submission No. 213 has since contacted the Secretariat to request that their submission remain confidential.

Resolved, on the motion of Dr Kaye: That submission No 213 remain confidential.

4. Consideration of Chair's draft report

The Chair submitted her draft report entitled *Education Amendment (Ethics Classes Repeal) Bill 2011*, which, having been previously circulated, was taken as being read.

Resolved on the motion of Dr Kaye: That the words 'NSW Government schools' be replaced with 'NSW government schools' through out the report.

Chapter 1 read.

Resolved, on the motion of Ms Voltz: That Chapter 1 be adopted.

Chapter 2 read.

Resolved on the motion of Dr Kaye: That paragraph 2.58 be amended by inserting the words 'The valuable contribution made by these volunteer teachers is acknowledged by the Committee' after the first sentence.

Resolved on the motion of Revd Nile: That a new paragraph be inserted after 2.95 to read ‘The Committee notes a review of both SEE and SRE is proposed in Recommendation 13’.

Resolved, on the motion of Mr Moselmane: That Recommendation 1 be adopted.

Resolved, on the motion of Revd Nile: That Chapter 2 be adopted.

Chapter 3 read.

Resolved, on the motion of Mrs Mitchell: That Recommendation 2 be adopted.

Moved, on the motion of Dr Kaye: That a new recommendation be inserted after Recommendation 2 to read ‘That the Minister for Education write to the Assistant Treasurer of the Commonwealth supporting the special listing of Primary Ethics and other SEE providers for DGR status in respect of SEE provision under the Taxation Act, identifying that this would give SEE the same capacity to fund raise as is granted to SRE providers.’

Question put.

The Committee divided.

Ayes: Dr Kaye, Mr Moselmane, Ms Voltz

Noes: Mr Clarke, Ms Ficarra, Mrs Mitchell, Revd Nile

Question resolved in the negative.

Resolved, on the motion of Dr Kaye: That Recommendation 3 be adopted.

Moved, on the motion of Dr Kaye: That a new recommendation be inserted after Recommendation 3 to read ‘That the Department of Education and Communities regularly review the age appropriateness of the Special Religious Education curricula and teaching materials.’

Question put.

The Committee divided.

Ayes: Dr Kaye, Mr Moselmane, Ms Voltz

Noes: Mr Clarke, Ms Ficarra, Mrs Mitchell, Revd Nile

Question resolved in the negative.

Resolved, on the motion of Mr Moselmane: That Recommendation 4 be adopted.

Resolved on the motion of Dr Kaye: That paragraph 3.79 be amended by omitting the words ‘SEE’s single provider model’ and inserting instead ‘SEE provision by a single entity’.

Resolved on the motion of Dr Kaye: That paragraph 3.86 and Recommendation 5 be amended by omitting the word ‘tendering’ and inserting instead ‘expression of interest’.

Moved, on the motion of Dr Kaye: That Recommendation 5 be amended by inserting the words ‘suitably qualified philosophical ethics’ after the word ‘other’.

Question put.

The Committee divided.

Ayes: Dr Kaye, Mr Moselmane, Ms Voltz

Noes: Mr Clarke, Ms Ficarra, Mrs Mitchell, Revd Nile

Question resolved in the negative.

Moved, on the motion of Dr Kaye: That Recommendation 5 be amended by inserting the words 'and that potential providers of SEE be required to demonstrate a commitment to becoming a system-wide provider of philosophical ethics' after the word '2014'.

Question put.

The Committee divided.

Ayes: Dr Kaye, Mr Moselmane, Ms Voltz

Noes: Mr Clarke, Ms Ficarra, Mrs Mitchell, Revd Nile

Question resolved in the negative.

Resolved, on the motion of Revd Nile: That Recommendation 5, as amended, be adopted.

Resolved, on the motion of Rev Nile: That two new paragraphs be inserted after paragraph 3.97 with relevant footnotes to read:

'Further clarification on this issue was sought from the Hon Adrian Piccoli MP, Minister for Education. The Minister advised that section 19 (b) and (f) of *the Education Act 1990* gives him oversight of both SEE and SRE:

Section 19(b) and 19(f) of the *Education Act 1990* state that the Minister for Education has the *function to establish and supervise the operation of government schools* and to *carry out such educational audits and program reviews as the Minister considers appropriate to assess and improve quality of education*. These powers apply to the oversight of both special education in ethics and special religious education.

In addition, the Minister advised that while he has oversight over SEE and SRE this does not include direct approval of curriculum, which is the responsibility of the approved provider.'

Resolved on the motion of Dr Kaye: That paragraph 3.100 be amended by omitting the word 'understandably'.

Resolved, on the motion of Rev Nile: That paragraph 3.101 be amended by omitting the words 'The Committee acknowledges that there is Ministerial and Departmental oversight of the SEE curriculum as has been presented in evidence provided by DEC and Primary Ethics' and inserting instead:

'The Committee acknowledges that there is Ministerial oversight of SEE and SRE under section 19 of the *Education Act 1990* as confirmed by the Minister. The Committee notes that the SEE curriculum, whilst not subject to direct Ministerial approval, which is also the case for SRE curriculum, it is provided to DEC for review. We note that our earlier recommendations maintain the important role that DEC has in reviewing SEE curriculum for age appropriateness (see Recommendation 3) and the importance for curriculum outlines to be accessible to parents and carers by being available on the websites of both SEE and SRE providers (see Recommendation 4).'

Resolved, on the motion of Revd Nile: That Chapter 3 be adopted.

Chapter 4 read.

Resolved on the motion of Dr Kaye: That paragraph 4.3 be amended by omitting the word 'identify' and inserting instead 'are identified'.

Resolved, on the motion of Revd Nile: That Recommendation 6 be adopted.

Resolved, on the motion of Mrs Mitchell: That Recommendation 7 be adopted.

Resolved, on the motion of Mr Clarke: That Recommendation 8 be adopted.

Resolved, on the motion of Mr Moselmane: That Recommendation 9 be adopted.

Resolved on the motion of Dr Kaye: That paragraph 4.91 be amended by omitting the words ‘of the Centre for Research and Social Inclusion at Macquarie University’.

Resolved on the motion of Mr Clarke: That a new recommendation be inserted after paragraph 4.100 to read: ‘That the Minister for Education investigate the inclusion of philosophy in New South Wales secondary schools as part of the development of the Australian Curriculum.’

Resolved, on the motion of Revd Nile: That Recommendation 10 be adopted.

Moved, on the motion of Dr Kaye: That paragraph 4.107 be amended by omitting the words ‘advice should be clear to principals that this letter should only be distributed to parents/carers of potential non-SRE students only after an ‘opt out’ decision by parents/carers has been communicated to the school’ and inserting instead ‘A single response form for parents should in the first instance identify all SRE options available at the school and the non-scripture option. The form should then offer the choice of SEE or supervised private study only for those who ticked the Non Scripture option.’

Question put.

The Committee divided.

Ayes: Dr Kaye, Mr Moselmane, Ms Voltz

Noes: Mr Clarke, Ms Ficarra, Mrs Mitchell, Revd Nile

Question resolved in the negative.

Moved, on the motion of Dr Kaye: That Recommendation 11 be amended by omitting the words ‘advice should be clear to principals that this letter should only be distributed to parents/carers of potential non-SRE students only after an ‘opt out’ decision by parents/carers has been communicated to the school’ and inserting instead ‘A single response form for parents should in the first instance identify all SRE options available at the school and the non-scripture option. The form should then offer the choice of SEE or supervised private study only for those who ticked the Non Scripture option.’

Question put.

The Committee divided.

Ayes: Dr Kaye, Mr Moselmane, Ms Voltz

Noes: Mr Clarke, Ms Ficarra, Mrs Mitchell, Revd Nile

Question resolved in the negative.

Resolved, on the motion of Revd Nile: That Recommendation 11 be adopted.

Resolved, on the motion of Ms Voltz: That Recommendation 12 be adopted.

Resolved on the motion of Dr Kaye: That paragraph 4.122 be amended by inserting the word ‘independent’ before the word ‘review’.

Resolved on the motion of Dr Kaye: That Recommendation 13 be amended by inserting the word ‘independent’ before the word ‘review’.

Resolved, on the motion of Dr Kaye: That Recommendation 13, as amended, be adopted.

Resolved, on the motion of Mrs Mitchell: That Chapter 4 be adopted.

Resolved on the motion of Revd Nile:

- That the Secretariat include in the report a Summary of key issues that faithfully reflects the content of the report.
- That the draft report, as amended, be the report of the Committee
- That the Committee present the report to the House, together with transcripts of evidence, submissions, tabled documents, answers to questions on notice, minutes of proceedings and

correspondence relating to the inquiry, except for in camera evidence and documents kept confidential by resolution of the Committee.

- That the report be tabled on 30 May 2012.

The Chair advised that any dissenting reports be provided to the Secretariat by 3.00pm on Monday 28 May 2012.

Resolved on the motion of Dr Kaye: That the Committee thank the Secretariat for their assistance to the Chair in the conduct of this inquiry.

5. Adjournment

The Committee adjourned at 10.46 am, sine die.

Rebecca Main

Clerk to the Committee

Appendix 7 Dissenting statements

DISSENTING STATEMENT

By Rev Hon Fred Nile MLC, Christian Democratic Party

The Bill to establish Secular Ethics Classes in NSW Primary Schools was strongly opposed by the Liberal and National Parties, and the Christian Democratic Party, when it was introduced on 26th November 2010 by the ALP Government, with the enthusiastic support of the Green Party, so as to bind the hands of the newly elected Coalition Government in March 2011.

This Bill was also strongly attacked by all Church leaders and the NSW Council of Churches etc.

As a result of this opposition I gave notice on 4th May 2011 of my Bill to repeal the Ethics Act.

Unfortunately, for various reasons, the Churches withdrew their opposition to Ethics Classes. The Coalition also withdrew its opposition.

However, I believed this issue should be decided by the NSW Parliament and introduced the repeal Bill on the 5th August 2011 as there was widespread public opposition to the Ethics Classes because it may undermine the future of Special Religious Education (SRE) Scripture in NSW State Schools.

After discussions with the NSW Minister for Education, I agreed on the 11th November 2011, that my Bill should be referred to a Parliamentary Committee for investigation and report to Parliament.

I am pleased the Committee has recommended an Inquiry into Ethics Classes (SEE) in 2014-15.

I do not see any need to review Special Religious Education (SRE) in 2014-15 as it was not in the Committee's Term of Reference.

Even so, I accept that the providers of SRE have agreed that this Inquiry in 2014-15 includes both Special Ethics Education (SEE) and Special Religious Education (SRE), known as Scripture.

DISSENTING STATEMENT

By Dr John Kaye MLC, The Greens

The Greens strongly support the fundamental direction of the report and in particular Recommendation 1 that the ethics provisions in the Education Act 1990 (the Act) not be repealed.

However we strenuously disagree with four aspects of the majority report:

1. The requirement in Recommendation 12 that schools must offer Special Education in Ethics (SEE) in a second letter addressed only to parents of children who have opted out of Special Religious Education (SRE). This two-stage process is irrational. It is designed to deliberately disadvantage SEE and it would impose an unnecessary and punitive administrative burden on schools. A simpler model based on a single layered form would satisfy section 33A of the Act.
2. The absence of a recommendation that the Minister for Education write to the Commonwealth Assistant Treasurer supporting Deductible Gift Recipient (DGR) status for organisations that develop and deliver SEE materials. Scripture providers have access to DGR status while ethics providers do not.
3. The absence of a requirement that religious organisations and their affiliates be prohibited from providing SEE and that potential suppliers of SEE be required to demonstrate a commitment to becoming system-wide provider of philosophical ethics.
4. The failure of the report to recommend that the Department of Education and Communities (the Department) develop an open and transparent process to determine which religious organisations and their affiliates are permitted to deliver SRE in NSW government schools.

1. Notification of the SEE option to non-scripture parents

Section 33A of the Act requires that the ethics option only be offered to parents of children who have opted out of the scripture options available in their child's school.

Recommendation 12 (third dot point) suggests that this provision be implemented as a two-stage process. With respect to the letter to offer parents/carers of non-SRE students the option to attend SEE classes, the majority of the Committee has recommended that

"(advice should be clear to principals that this letter should only be distributed to parents/carers of potential non-SRE students only after an 'opt-out' decision by parents/carers has been distributed to the school)"

Schools would be required to keep a record of parents who had opted-out and then send them a second letter. Enrolment time is one of the busiest periods in the school year, with the administration already at peak pressure. It is unfair, unreasonable and unnecessary to impose this additional burden.

Nothing in the Act requires that the existence of SEE be kept a closely guarded secret. Section 33A(2) requires* that the parent "objects to the child receiving special religious education" and "requests that the child receive special education in ethics".

The provisions of the Act could be satisfied by a layered form that:

- First asked parents/carers to choose from a list of the available SRE options and non-scripture; and
- Parents/carers choosing one of the SRE options would be asked to skip to the end of the form, while those who select 'non-scripture' would then be asked to go to question 2, which would offer the choice of SEE or Supervised Study.

Two separate letters can only be explained by a desire to deliberately disadvantage SEE, which is not a requirement of the Act. While this might appease the minority of religious organisations who are waging a rear-guard campaign against ethics, most parents will see the committee's recommendation if it were implemented as irrational and all schools will come to view it as an unwelcome burden.

2. Tax deductibility for donations to the teaching of philosophical ethics in public schools

The Australian Tax Office** provides DGR status to a:

"Public fund for religious instruction in government schools – a public fund established and maintained solely for the purpose of providing religious instruction in government schools in Australia."

Donations of more than \$2 to SRE providers are tax deductible.

No such provisions exist for organisations providing SEE. Primary Ethics currently has an application before the Australian Tax Office for DGR status.

Recommendation 2 would continue the status quo in which neither SRE nor SEE provision receives any public support. While the Committee and the stakeholders supported this, without DGR status Primary Ethics and other potential future providers have been left at a substantial disadvantage compared to SRE.

NSW is currently the only state to allow the ethics alternative to SRE and in doing so has an obligation to raise the matter with the Commonwealth Assistant Treasurer in recognition of the service that Primary Ethics and other potential future providers contribute to NSW public education.

3. Requirements on future SEE providers

The Committee unanimously agreed at Recommendation 5 that there should be open and transparent processes to allow other organisations to apply to deliver SEE. The Coalition and Christian Democrat majority however rejected amendments that:

- Provision of SEE be restricted to suitably qualified philosophical ethics organisations (that is, not SRE providers); and
- Potential providers of SEE be required to demonstrate a commitment to becoming a system-wide provider of philosophical ethics.

While the mainstream religious organisations have, at least publicly, dropped their campaign to deny opt-out students the opportunity to study ethics, written and oral evidence to the Committee demonstrates the depth and breadth of residual hostility from some religious groups and a diverse collection of enthusiasts.

Without these protections, this antagonism could translate the use of SEE as a vehicle for SRE providers to proselytise for their particular faith.

4. Open and transparent process for SRE provisions

The privilege of accessing students in public schools for scripture is controlled by the NSW Inter-Church Commission on Religious Education in Schools (ICCOREIS) which itself is made up of SRE providers.*** Through their dominance of the Director-General's Consultative Committee on Special Religious Education,**** together with other faiths, they are the effective gate-keepers of SRE provision.

Recommendation 5 for an open and transparent process applies only to SEE. An amendment to extend this requirement to SRE was rejected by the Coalition and Christian Democrat majority of the Committee, leaving SRE access as effectively a self-selecting and opaque process.

* www.austlii.edu.au/au/legis/nsw/consol_act/ea1990104/s33a.html

** www.ato.gov.au/content/downloads/SME18699nat3132.pdf See p. 14

*** www.iccoreis.asn.au/about.htm

**** www.det.nsw.edu.au/policies/curriculum/schools/spec_religious/PD20020074.shtml

DISSENTING STATEMENT

By the Hon Lynda Voltz and the Hon Shaoquett Moselmane, ALP

The ALP members of the GPSC 2 support the fundamental direction of the report and its recommendations with the following exceptions:

1. The requirement in Recommendation 12 that schools must offer Special Education in Ethics (SEE) in a second letter addressed only to parents of children who have opted out of Special Religious Education (SRE) is unnecessary and irrational. Enrolment within scripture classes is completed as part of the normal enrolment process of schools. The requirement for a two stage process would mean that schools will have to deal with all the enrolment processes, independent of SEE, requiring additional burden at the busiest time of the school year when students return. A simpler model based on a single layered form would satisfy section 33A of the Act.

Further it goes against the NSW Government's own statements regarding reduction of red tape and it's own proposal for greater decision making at the local school level. This decision would enforce additional administrative strain on principals and teachers aid's who are already being asked to take on the bursary requirements of "Local Schools, Local Decisions" without the allocation of additional resources to administer the subsequent increase in work load.

2. The absence of a recommendation that the Minister for Education write to the Commonwealth Assistant Treasurer supporting Deductible Gift Recipient (DGR) status for organisations that develop and deliver SEE materials. Scripture providers have access to DGR status while ethics providers do not. There are no provisions that prohibit the Minister of the Crown to write in support of tax exemption applications, particularly when this is to the advantage of the public school system.

3. That religious organisations and their affiliates be prohibited from providing SEE. Furthermore, potential suppliers of SEE be required to demonstrate a commitment to becoming system-wide provider of philosophical ethics. In the interests of the parents, this prohibition would provide greater transparency in the teaching of SEE. To allow religious organisations to be providers of SEE, would be confusing and would create a perception of crossover and leave parents with an inability to define between the role of SRE and SEE. The resulting confusion for parents would be to the detriment of both SRE and SEE.

