

Second Reading

The Hon. PENNY SHARPE (Parliamentary Secretary) [3.00 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The introduction of an ethics course to run alongside special religious education—SRE or scripture—provides an important choice for the public school parents of New South Wales.

Such a course fills a gap identified by individual parents and the New South Wales Federation of Parents and Citizens Associations.

For many years parents have been lobbying for a viable and meaningful alternative to special religious education. In some schools not all faiths are offered as special religious education alternatives.

In others, significant numbers of parents choose not to send their children to special religious education. The place of religious education in New South Wales public schools has been guaranteed for over a century. It arose out of the establishment of the New South Wales public education system by Henry Parkes.

This was reaffirmed most recently in the New South Wales Education Act of 1990 which in part states:

... in every Government school time is to be allowed for the religious education of children of any religious persuasion.

The right to religious education is an essential part of New South Wales public education. Also importantly the Education Act guarantees the right of parents of children in New South Wales public schools to opt out of special religious education if that is their wish. Section 33 of the Act states:

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.

These sections of the Act balance the rights of parents who wish their children to engage in religious education with the rights of parents who do not wish their children to receive religious instruction.

It recognises that if these two rights are to co-exist, there must be time set aside for special religious education that is outside the teaching of the curriculum.

The Act clearly encapsulates the two options: the right to religious instruction and therefore to having time set aside in the school week for it to occur and the right to withdraw from religious instruction.

Most importantly, these two options are defined in terms of parental choice. As it stands, the Act does not require amendment to allow the choice of an ethics course.

An ethics course merely needs to be inserted in this time set aside for religious instruction for those parents who have exercised the choice legislated to them in section 33. So why is this legislation necessary? It has been made necessary by the opportunism of the New South Wales Opposition.

It is necessary because New South Wales Coalition members believe that they have the right to prevent children engaging in an ethics course in the time set aside for special religious education.

They have clearly stated that, if elected in 2011, parents who opt out of special religious education will not be allowed to send their children to an authorised, volunteer-delivered ethics course—and this from the party of individual choice and personal freedom.

This Government, responding to the legitimate requests of the most important stakeholders in public education, the parents of children who attend our schools, have decided to revise and modernise a policy to reflect the wishes of those same parents.

Will children be compelled to do ethics? Of course not.

Does the provision of ethics alongside special religious education create unfair competition? Of course not. No more than any of the current faith groups compete with each other.

In this matter more than any other, choice is not competition.

Parents can at any time decide to enrol their children in special religious education, move them from faith group to faith

group, opt out entirely or choose to return to special religious education after having opted out. It is all up to the parents, as it must be.

The ethics trial was introduced because for many parents—those whose faith was not provided in special religious education and those who chose not to enrol their children—the Department of Education SRE policy allows for almost no meaningful activity in the legislated time set aside for special religious education.

The department's SRE policy was designed at a time when the vast majority of children attended "scripture". Its intention was to enshrine that right and to ensure that while children attended SRE they did not miss out on valuable syllabus-related work.

It may come as a surprise to the Opposition but many children no longer attend SRE. In some schools this is a majority of students.

In many others it is a sizeable proportion. And what do these students currently do while others are at SRE? They chat, they read quietly, they watch movies.

Many parents are disappointed by this, many are appalled and angry.

This is where the ethics trial originated—by and through parents who wanted their children to use valuable school time more productively, and wanted it used to discuss some of the same questions explored in special religious education: important questions of right and wrong, appropriate behaviour, empathy and truth.

The trial occurred in 10 volunteer schools in term 2 this year. The schools came from across the Sydney metropolitan area and from rural New South Wales.

They represented a fair cross-section of New South Wales school communities. In all the schools, parents met and discussed their involvement in the trial.

The trial was evaluated by Dr Sue Knight and judged to be successful within the terms of reference of the evaluation. That evaluation is publicly available.

The Opposition should read it. Many parents in New South Wales want an additional choice if they decide that their children will not do scripture.

This was why the New South Wales Government decided this week to allow ethics as an option in New South Wales schools to run alongside special religious education.

And in order to deliver this option and provide it to more parents, the Department of Education's SRE policy needs to be amended.

Now of course the Opposition has decided that the wishes of vast numbers of active and concerned parents should be ignored. They have publicly stated that they will oppose ethics irrespective of the legitimate wishes of these parents.

The only reason this legislation is in the House is because this Government believes that the rights and choices of a significant number of public school parents should not be trampled by the Opposition.

Their absurd policy position has necessitated this amendment to the Education Act. The Government believes that if the Coalition wishes to remove this parental choice it will have to be done through the Parliament and with the scrutiny of the Parliament.

The legislation is very simple. It adds a new section 33A, special education in ethics as a secular alternative to special religious education. It states:

- (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.

Its intention is to enshrine the right to a secular ethics course for those parents who have chosen that their children not attend scripture and to prevent this choice being taken from them unnecessarily.

Section 33A (1) allows for special education in ethics as a secular alternative to SRE. Section 33A (2) states that if parents choose that their children not attend SRE they are entitled to special education in ethics.

Section 33A (2) (a) and (b) specify the circumstances under which special education in ethics can occur. 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.

Section 33A (2) (a) is specifically designed to take into account the capacity of the school to deliver an ethics course through the availability of sufficient volunteers.

The "if it is reasonably practicable" referred to in the amendment is in relation to this capacity. Section 33A (2) (b) states that the parents must request special education in ethics be provided to their child.

So, if the amendment becomes law, special education in ethics will now be allowed, parents must actively opt out of special religious education and parents now have an entitlement that special education in ethics be provided to their children.

However, as is the case with SRE, the provision of such a course depends on the availability of volunteers.

This is the intention of section 33A (2) (b). The Department of Education policy will be amended accordingly and provide appropriate guidance to parents and schools about the conduct of such courses.

The courses will be delivered by the St James Ethics Centre and be delivered by trained volunteers, mirroring as far as possible the process for the delivery of special religious education.

But, most importantly, a quite reasonable and legitimate choice for parents will be enshrined in legislation. I commend the bill to the House.