

**Submission  
No 182**

**INQUIRY INTO EDUCATION AMENDMENT (ETHICS  
CLASSES REPEAL) BILL 2011**

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## **EDUCATION AMENDMENT (ETHICS CLASSES REPEAL) BILL 2011**

### **Written submission to the NSW Parliamentary Enquiry, General Purpose Standing Committee No 2**

**From Cathy Byrne – religion and ethics in education scholar, parent and concerned citizen.**

#### **Introduction**

The world's most developed nations combine religions and ethics as an area of compulsory study in public schools from kindergarten through to senior high school. Sweden, Norway, Canada, England, Wales, Denmark, and parts of Germany and the United States of America enable critical, general religions and ethics education, and undertake research into the social and individual student benefits of such a model. These benefits include students' greater tolerance for cultural differences and more secure and cohesive societies. Sweden has been using this approach in public schools for 50 years. Canada's Supreme Court last year upheld its mandatory religions and ethics course – against an appeal for opting out for religious reasons. South Africa, Japan and Indonesia are also moving towards this model. Australia has an outdated approach and lags dramatically behind the developed world in this area.

Australia's segregating 'Access Privilege' for religious instruction (under which the Ethics Amendment operates) is a 19<sup>th</sup> century model. This model is inferior to current world trends because:

- a) it segregates children on the basis of religious or ethical persuasion – which has negative consequences for social inclusion and child identity development;
- b) it is corralled as 'special' and (therefore) has limited accountability – since it is not delivered or assessed by professional educators;
- c) it is discriminatory in policy and in practice through the continuation of Christian privileges – for example, it is increasingly being driven and delivered by government-funded evangelical Chaplains; and
- d) it is not supported by the majority of parents and education professionals.

Since the Ethics Amendment operates under the Religious Instruction Access Privilege, it is essential that this enquiry incorporates a comprehensive review of the 'objectives, curriculums, implementation, effectiveness and other related matters pertaining to the current operation' of Religious Instruction classes as well as Ethics classes. The 'current operation' of the Access Privilege includes close relationships between state education departments and religious instruction providers.

'Religious Instruction' (RI) is the internationally acknowledged term for what NSW Education refers to as Special Religious Education (SRE). There is a dramatic difference between general religions and ethics 'education' (GREE) and indoctrinatory religious 'instruction' (RI).

#### **Background, interest and expertise:**

I have spent the last five years examining religion in education and have published articles nationally and internationally regarding the place of religion in Australian schools. I have also participated in national and international discussions on research into religion in education (for example REDCo in Europe and the Parliament of World Religions in Melbourne). I hold a Masters in Religion Studies (University of Queensland) and have completed my doctoral thesis on religion in Australian public

schools (Macquarie University). I am currently collaborating with a leading scholar of religion in education, Professor Robert Jackson of Warwick University in England.

As a founding member of REENA (Religions and Ethics Network of Australia), I have been involved in discussions on religion in public schooling with state and federal agencies, including ACARA (Australian Curriculum, Assessment and Reporting Authority).

My PhD research (conducted in the past 3 years) focused on religion in public primary schools in NSW. It explored the policies and practices of 'Religious Instruction' and the development of the Ethics alternative to RI. It included formal and informal conversations with parents, children, practicing and retired teachers, principals, and RI and Ethics volunteers. I have received calls and letters from many parents and teachers who are too frightened to speak publicly about this issue. I also volunteer for Primary Ethics.

### **My findings include:**

#### **1. There is a policy-ensured lack of accountability in the access privilege for both RI and Ethics, which enables extremist teaching.**

RI curriculum is authorised by the RI provider. The NSWDEC (Department of Education and Communities – previously Department of Education and Training) does not require trained teachers to be present during classes and does not take responsibility for the conduct or content of classes. I have seen and heard of indoctrinatory, dogmatic teaching and proselytising in RI classes.

For example, several parents and teachers from different regions told me that children are still being threatened with 'burning in hell' if they do not believe in Jesus. Children describe the 'non-scripture' room as 'the naughty room'. One little boy told me that if he didn't believe in God he would 'have to sit outside the principal's office for the whole lunch'.

Booklets created by evangelists in the United States are handed out in NSW regional schools. These booklets promote Biblical literalism. They teach that 'the earth is only 6000 years old', that 'man and dinosaurs once lived together', and that Genesis is 'neither a fairy story, nor poetry' ... but 'a reliable', historical record (Grigg 2007).

Another curriculum sample, from Sydney's own Anglican Youthworks, teaches that 'God gets angry at men who marry foreign women', that 'foreign nations' have 'disgusting customs'; and that worshipping 'false' or 'foreign' gods (other than 'the God of Israel') is 'unmitigated evil' (Christian Education Publications 2010).

In February 2011, the ABC reported parents complaints on the south coast, where children:

came home distressed after being told that God is going to burn the world ... (and) walked out of class when the religious instructor claimed he could 'cure' homosexuals ... [and that] children with non-Christian faiths are allowed go to the library, but ... atheists go to the detention room where children are 'punished' (ABC 2011).

In a different region, a class teacher has told of a year 2 RI text being used in Australian public schools where students are given an outline of two figures and told a story – of one child who chooses the message of Jesus and another, who does not. The students are asked to colour in the child who made the ‘bad’ or ‘wrong’ choice black, and leave the ‘good’ child white. In some classrooms, opt-out children are in the same room, to hear that if they don’t pray, they are ‘bad people’, and sometimes, these children are told to ‘face the wall’.

In response to parental complaints in 2010, the NSWDET response was that: ‘the Department has no say over the content of scripture classes’. This is the policy behind which the NSW Education Department hides from its responsibilities.

On the other hand, *Primary Ethics* undertook rigorous development of its curriculum, with Departmental reviews and oversight, and public scrutiny. In addition, the Department ensures that the *Primary Ethics* curriculum is ‘age appropriate’. The Department provides no similar assurances on RI curricula.

## **2. Schools do not necessarily follow RI or Ethics policies.**

The NSWDEC updated their RI policy in late 2011 – a full year after the Ethics amendment was approved. Only now are they informing Principals about the new policy. It will be interesting to see how many schools actually follow this new policy. Policies on RI were not followed in the past three years when I conducted field research.

For example, some schools did not separate non-religious children from RI classes. In one conversation, a mother told me in 2010 of how her 6-year-old child, who she had opted out of RI, was in the back of the RI class and joined in the singing of a Christmas carol. The child was disciplined and told not to sing because she was not part of the class. The other children sang and were given lollies. This shows children that exclusion (a kind of bullying), is acceptable behaviour.

In Ulladulla in 2010, a year 7 girl who identified as Buddhist was sent to Christian scripture despite being officially exempted. The School chaplain’s blog included the prayer:

Pray ... especially for the students who have not attended religious classes ... Pray that they will be quiet and that they’ll hear God’s message as Bernie teaches the other students. Praise for God’s ongoing ministry to many non-Christian youth at Ulladulla High School (ABC 2010).

The Ulladulla chaplaincy provider’s website stated that their Sunday walk through the school grounds had claimed the school property for Jesus: ‘We claimed every gateway and the whole school property for the Lord ... I will give you every place where you set your foot – Joshua 1:3’.

Many parents in NSW are concerned at the lack of consultation, the freedom of Chaplains to violate policies and the sudden influence of the chaplaincy program in an ostensibly ‘secular’ system.

Several parents and teachers from different schools have reported that children, who were formally opted-out of RI, were returned to evangelical Anglican classes at the beginning of each year, without

the parents' knowledge. Until the beginning of 2012 (when the DEC created its new RI and Ethics policy), if a parent enrolled their child in a NSW school leaving the 'religion' question blank, or writing 'no religion' on the enrolment form, this did not automatically exclude a child from being placed in RI classes. Many schools still operate under that understanding of policy.

Some school RI co-ordinators (at times with the support of principals or evangelically stacked School Councils) do not enable information about available RI and Ethics options or RI policy notices to make it into the school newsletter. There are many instances of 'gatekeeper' activity by religious people acting inside schools. Some schools continue to block the introduction of Ethics.

Even new policies are not being followed. Only last week I was told of evangelical preachers (acting as both Chaplains and RI instructors) who would not sign the declaration that they would 'not proselytise'. They are nevertheless operating today in public schools.

In some schools, church pamphlets or Easter eggs with exclusionary biblical quotations '*Whosoever believes in God shall not be put to shame*' are handed out, with approval from the principal. In some regions, parents are unknowingly purchasing Christian text books. Believing that their children will receive general religion education when, in fact, parents are purchasing evangelical texts and, often unknowingly, enrolling them in RI with instructors who have proselytising intentions.

The NSW Department might notify a school of a breach, but can they enforce adherence to policy? Experience in the last decade (and century) says 'probably not'. As a result, parents are wary. Few would come forward with complaints to a Department that directs complaints back to the offending body (the religious provider) as does NSWDEC.

### **3. Parents and many educators feel pressured and powerless.**

Very few parents will speak openly about this issue for fear of repercussions for their children. Some have tried to take issues of RI up with the Department only to be threatened that they should 'not take their stories further', since it might 'risk relations' with the school.

Most parents (and professional educators) would prefer a focus on general religions and ethics education (GREE). My own study showed 69 percent of parents and educators would prefer a general approach. However, discriminatory pressure is put on parents (in practice) to take a religious option, even when their own religion is not available. Many parents are confused about the available RI or Ethics options and the lack of a requirement for the presence of trained teachers. Some believe that 'there is no non-scripture available in their school', that 'Bahai is for non-religious students', or that 'I have to keep my child in scripture otherwise they will be ostracised'.

Several parents have told me of church donations (of public address and sound equipment and special maintenance contracts) in exchange for church member access to school grounds to run special activities, or to distribute church pamphlets and hang church signage on school gates.

At Dapto in NSW, the Oak Community Congregational Church (until September 2011) listed, as its official place of worship, 'Dapto High School Hall'. This is a process known in QLD as 'planting' a church within a school community. Recently, the church moved to Mount Brown public primary

school! This is part of the agenda of evangelical organisations to recruit young children. Missionaries help the school to obtain federal funds for chaplaincy and then coordinate and deliver RI (and in some schools even their own brand of ‘Ethics’ classes). This can occur even if the principal and school council prefer a ‘student welfare worker’. Individuals hired previously as religious chaplains can be hired as ‘student welfare workers’ with the same duties and the same evangelical approach.

State-based RI volunteering has, courtesy of the Chaplaincy Program, transformed into a national, government funded, mostly Christian labour-force, permanently on a mission in public schools. This new Christian army makes the operation of RI discriminatory and much more evangelistic than many parents are aware.

#### **4. It is difficult for minority faith RI or Ethics groups to establish and maintain a volunteer network, especially when competing with government paid Christian evangelists.**

In 2010, 98 percent of National School Chaplaincy Program (NSCP) chaplains were Christian and the majority of those were evangelical Protestants. A total of 45 chaplains across the entire country represented all non-Christian religious traditions – a proportion of 1.6 percent. Census figures show that 37 percent of Australians do not identify with the Christian faith. Despite this, public schools are being infiltrated with evangelisers.

The government funded NSCP effectively replaces church funded programs, which, in Queensland, New South Wales, South Australia and Victoria, enabled church-paid religious instructors into public schools. The benefits of a public school having a paid religious instructor are outlined in the document *Guidelines for Joint Denominational SRE Employment Boards*, developed for New South Wales by ICCOREIS – the Inter-Church Commission on Religious Education in Schools (ICCOREIS 2010). The document shows how paid RI programs transformed into the *National School Chaplaincy Program*. It notes that formal, financial arrangements made it possible for religious instructors to:

form long-term relationships with students, and become a ‘fixture’ in the school ... [religious instructors] are then in a position to act, not only as SRE teachers, but as volunteers responsible to and supervised by the principal, to take on extra-curricular activities, invite local church youth ministers to lessons or events, attend camps and engage generally with school activities. Access to the school may become full-time rather than once per week (ICCOREIS 2010).

The *New South Wales Education Act 1990* outlaws ‘dogmatic theology’ – the teaching of doctrine – and federal legislation regarding chaplaincy outlaws ‘proselytising’. However, the ICCOREIS document (which traces the connection between RI and chaplaincy) includes in its rationale a ‘vision for Christian education in government schools’ based on ‘Our Lord’s final command: Go therefore and make disciples of all nations ... teaching them to obey everything I have commanded you’. It urges local congregations and churches to ‘own the ministry ... like a mission organisation’.

The document notes that: ‘A whole-school approach means that more students are reached than would otherwise be the case’, an acknowledgment that the program targets students who have already opted out of RI. The establishment of paid religious instructors creates ‘greater opportunity to take the church to students ... provides a much broader platform for the church to witness ... expand(s)

church-based ministry to children and ... opportunities for links to extra-curricular activities become simple to arrange’.

Of some concern is the statement that ‘some schools include RI (SRE) in the reporting system, enabling [paid Christian missionaries] to give positive feedback to students and parents on report cards’. One can only hope that feedback for children of any family with a conscientious objection to Christian evangelism in public schools is equally ‘positive’.

## **5. Primary Ethics demands full police checks while most other religious organisations do not.**

During my research I spoke to RI volunteers from a range of organisations about the process and vetting of their volunteering. I examined and undertook training to deliver ‘Religious Instruction’ for various faith traditions. The only organisation that I found rigorous in vetting volunteers, and in assuring a non-proselytising approach to teaching, was Primary Ethics. As far as I am aware, most religious organisations do not *guarantee* third party police checking, but merely require an ‘assurance’ from the volunteer’s approving body.

Despite requirements for most persons entering school grounds, RI volunteers are not *required* to be police-screened for criminal offences regarding children. The volunteer simply signs a ‘Prohibited Employment Declaration’ form which is kept on file by their sponsoring religious organisation. Assurance for child safety is thus left with the RI provider and not followed up by the NSWDEC. There are incidents of Chaplains befriending children and proselytising on Facebook.

The lack of accountability is of concern, considering that RI teachers may request ‘accommodation to conduct (one-on-one) interviews of a religious nature with students of their own persuasion, in the lunch hour or other agreed upon times’ (NSWDET 2002). It is ‘not the [NSW] DET’s expectation ... that police checks and screening be mandatory’ (ICCOREIS 2008, section 5.1). This is an abrogation of risk. Approved religious persuasions must simply provide a written assurance that they have procedures in place to ensure compliance with child protection requirements. Such assurances are not checked.

On the other hand, Primary Ethics requires a full police check prior to admission to a school.

## **6. The Education Amendment (Repeal of Ethics) Bill asks the wrong question.**

The Ethics Amendment is not the Bill which should be repealed. The entire religious access privilege mechanism (for all segregating, volunteer groups) should be removed from public school time and be replaced with a professional general religions and ethics education program for all grades. The addition of Ethics as another segregated option – to a generally misinterpreted, poorly managed piece of archaic legislation is not the answer.

Whether the Amendment stays or goes, many schools will still not offer Ethics. Even worse (as an example sent to me last week) – the ‘Ethics’ alternative might be offered by the Baptist Chaplain!

Prior to the provision for Ethics classes in 2011, religious instruction was a limited, discriminatory affair, with many NSW schools offering only Christian instruction, and some not offering any

alternative (despite policy). The provision of Ethics classes goes some way to ameliorating that discrimination. However, the volunteer system is inherently discriminatory in favour of established Christian churches. This discrimination is exacerbated by the Christian Chaplaincy program.

One of Rawlinson's (1980) recommendations, endorsed by the NSW Minister for Education in 1986, was that students who opted out of RI should be given 'opportunities for purposeful secular learning'. Implementing this provision has been avoided, largely on church insistence that such alternatives raise a 'conflict of choice'. If Ethics classes are removed, then once again, 'choice' for religious parents will have discriminatory primacy over 'choice' for those opposed to the potential for preaching.

This avoidance of 'conflict of choice' was, for decades, interpreted so as to privilege religious families via a policy which specifically outlawed 'alternative lessons in the subjects within the curriculum or other areas, such as, ethics, values, civics or general religious education' (NSWDET 2002). Consequently, parents opting out of RI were not given equitable choices. For years, those who opted-out were minimally supervised, often in large groups, and severely restricted in their activities. In some schools, this included the banning of knitting, drawing or playing chess.

When I enrolled my child in a public primary school, the opt-out choice was to be placed in a large, minimally supervised room, with one teacher for more than 60 children, of all ages.

The addition of Ethics will not necessarily remove religious discrimination from schools where the principal is a church member or where the school council is run by evangelists. There is only one option for religion in secular schooling – de-segregated general religions and ethics education (GREE), delivered by professional teachers. International research has shown this to deliver positive results – where students are more likely to be respectful and tolerant of religious and cultural differences. Such an approach should be a priority for all public schools.

The only General Religions Education in NSW schools is in a very limited form during social studies in grades 3 or 4. It is not well resourced, is not supported by some teachers and does not provide an effective balance to RI which has more than 6 times the curriculum allotment. Australia's nearest neighbour, Indonesia, is the largest Muslim nation in the world. Our politicians visit India and China to woo investors. And yet, our public school children might complete their entire school life without learning anything at all about the religions and ethical philosophies of these nations. By not prioritising general religions and ethics, we limit our children's employment prospects as well as their education.

## **7. General Religions and Ethics Education should replace Religious Instruction.**

International research shows that desegregated, professionally developed and delivered general religions and ethics education has the potential to bring lasting benefits. In 2008, the Council of Europe (CoE) adopted a recommendation regarding religion and non-religious convictions in education. The recommendation (CM 2008/12) states that:

Education for democratic citizenship ... requires recognising and accepting differences, and developing a critical approach to ... philosophical, religious, social, political and cultural concepts ... [and that] member states should ... pursue initiatives in the field of intercultural

education relating to the diversity of religions and non-religious convictions in order to promote ... a culture of 'living together'.

The CoE recommendation highlights the state's responsibility to deliver combined religions and ethics teaching, as well as to provide spaces for inter-religious dialogue. This recommendation follows on from the *Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools* (OSCE 2007). The recommendation emphasises that the principle of religious freedom includes 'the freedom to have a religion or not to have one, and the freedom to practice one's religion, to give it up or to change it if one so wishes'.

In 2009, a Council of Europe exchange on religion noted the challenge for education regarding 'how to prepare young people to live together in a diverse socio-cultural context and to actively participate in creating a mutually supportive society'. The exchange noted that for national and international stability and security, 'religions should be studied in all nation states as part of intercultural education – which is seen as closely related to education for democratic citizenship' (Jackson 2011, 9).

Tolerance and respect are empty virtues if we know nothing about those to whom we ought to show tolerance and respect. A general, desegregated approach to religion and ethics education can immunize children against the manipulations of extreme relativism and dogmatic fundamentalism. The need to nurture respect for religious and cultural difference is ill-served by current policy – even if 'Ethics' stays. The practice of RI in NSW schools privileges one evangelistic form of one faith, it enables extremist teaching and limits the possibilities for learning about religious difference.

Segregation contributes to stereotyping and suspicion of minorities and risks promoting religious exclusion as an accepted norm. Most other developed nations are using a de-segregated approach for religions and ethics in public schools. Australia's focus continues to be on nineteenth century segregated RI and Christian-centric chaplaincy. A professionally developed and delivered inter-religious and non-religious curriculum has the support of parents and professional educators in Australia. The discussion 'to do or not to do – Ethics' is a sideshow. We should, instead, be enquiring into how to include general religions *and* ethics in our new national curriculum and how to remove the segregated RI and Ethics option from public school time.

History and modernity are riddled with religious differences. Religion is connected culturally, socially, artistically, militarily, economically, and politically to history and to the present. We need not (and cannot) possibly remove it from education without stunting education itself.

If Australia is committed to delivering the best education for our children, then public schools must ensure that children can learn together, in a critical and respectful way, about the world's different religious and non-religious perspectives and ethical codes. It is time to remove the archaic Access Privilege for Religious Instruction (and Ethics) – which is segregating, unaccountable, unprofessional and (in a supposedly 'secular' system) bizarre. It is time for our national and state educators and legislators to prioritise general religions and ethics education.

**Cathy Byrne,  
February 2012.**

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