

Submission
No 221

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

Organisation: NSW Jewish Board of Deputies and NSW Board of Jewish
Education

Date received: 23/02/2012



Joint Submission by the NSW Jewish Board of Deputies and the NSW Board of Jewish Education in regard to the Introduction of an Ethics Course into New South Wales Government run Primary Schools

A. Relevant Facts

The current understanding of the NSW Jewish Board of Deputies (**JBD**) and the NSW Board of Jewish Education (**BJE**) is that:

1. During 2010 Ethic classes were trialled in a number of primary schools in NSW.
2. The trials were not undertaken according to the guidelines originally outlined – that is, Ethics classes were offered to all students in the trial schools, and not only to those whose parents had deliberately and expressly opted out of Special Religious Education (**SRE**) classes.
3. Primary Ethics, an organisation established by the St James Ethics Centre, became the authorised provider of special education in ethics classes. As of February 2012 it has 2 employees, and 260 volunteer facilitators delivering ethics classes in 166 NSW primary schools.

B. Legislative Framework

4. The relevant legislation provisions are Sections 32 and 33 of the *Education Act 1990 (NSW)* (Act) as well as Section 3(1)(b) and (d) of the Community Relations and Principles of Multiculturalism Act 2000 (NSW)¹.
5. The NSW government legislated that from Term 1, 2011, schools could include a course in special education in ethics as an option for students whose parents have expressly requested exemption from the attendance of their child/children at SRE. In the event that demand for ethics classes exceeded supply, those children who had opted out of SRE would have priority access.

¹ These sub-paragraphs state:

“ (b) All individuals and institutions should respect and make provision for the culture, language and religion of others within an Australian legal and institutional framework where English is the common language.

.....

(d) All institutions of New South Wales should recognise the linguistic and cultural assets in the population of New South Wales as a valuable resource and promote this resource to maximise the development of the State.”

C. Position of JBD and BJE on Ethics Course

6. Neither JBD nor BJE objects, in principle or per se, to the provision of Ethics classes as currently outlined.

7. Both BJE and JBD wish to see:

(a) the provision of Ethics classes ONLY to those students whose parents have deliberately and expressly opted out of Special Religious Education classes. The opt-out must be based on informed choice, with parents indicating that they follow no religion for which SRE is available, and not as an alternative to SRE, as has been the practice.

(b) a thorough and public evaluation of Ethic classes at the end of 2012 conducted in a rigorous, transparent and consistent manner.

8. Both JBD and BJE submit that:

(a) whatever the merits or otherwise of the Ethics Course, the role of SRE as a means of educating students in public primary schools as to their specific heritage, culture, faith and language must never be prejudiced, diminished or undermined. On the contrary, it must be encouraged and nurtured, a view that has been enshrined in current state legislation, for good and obvious reason;

(b) specifically, the Jewish student population in public primary schools is a miniscule minority of that school population – particularly in outer suburban regional and country government schools. Nevertheless, this minority represents a very significant proportion of the current and future NSW Jewish community. The Jewish community commits significant resources to stay connected with and to support this critical and valuable population.

Its diminution or dissolution – through cultural isolation and disconnection from such linkages as SRE programmes – will have dramatic and longstanding adverse results on the survival of a necessary critical mass of this State's active Jewish community. Such an adverse outcome would not only weaken the performance and longevity of the Jewish community of New South Wales, but also lead to a significant diminution in the multi-cultural diversity of the State's social fabric. The provision of Jewish faith-based SRE courses lies at the core of the long term maintenance of a vibrant and contributing Jewish community in this State, which has been and should be encouraged to continue for the benefit of all this State's inhabitants and not just the members of that community; and

(c) the ability to pass on the values and ethics that Jews seek to promote – which include all those that appear to be contained within the Ethics Course – must not be left to “market forces”, in accordance with some model of free competition. We still do not seek to deny participation in the Ethics Course to children who are *already* not participating in SRE classes. However, we stress that such participation should not be offered as an equally available and attractive “*alternative*” to those children of minority and vulnerable religious and/or ethnic backgrounds who are wanting, or who need to be encouraged, to learn about, and be made aware of, the merits and value of their own heritage

and culture. The consequence of any decision to opt into a secular Ethics Course at the expense of attending SRE instruction, made by a Jewish child who may be too immature to appreciate adequately the essential and long term value to him or her of what Jewish SRE programmes are offering, or who may feel subjected to peer pressure to “conform” to the majority norm, will be a permanent and material detriment to that child, his or her immediate family and the Jewish community at large.

D. Submission of JBD and BJE on Ethics Course

9. For the above reasons BJE and JBD submit that the Government and DET must:

- (a) ensure that the Ethics Course, or any adaptation thereof, not be offered or promoted under any circumstances to students currently engaged in SRE programmes, or their parents, because such offer would encourage students not in that category to leave that SRE programme in order to participate in the Ethics Course; and
- (b) Parents who on enrolment of their child state in writing that their family follows no religion for which SRE is available, should be given an outline of the ethics class as an option, as well as details of SRE on offer, so that they can make an informed choice; and
- (c) in accordance with the abovestated and currently applicable legislation, and as set forth in the Principles of Multiculturalism referred to above, implement a policy to the effect that:
 - (i) any student who is enrolled in an SRE programme will not be permitted to opt out of that SRE programme – whether in order to participate in an Ethics Course or in any other activity – unless and until that child’s parent or guardian has complied with the provisions of Section 33 of the *Education Act 1990*; and
 - (ii) any child whose religion has been designated as Jewish or is otherwise known to the relevant school or DET generally as being Jewish, , who is or becomes enrolled in a government school, should not be offered the opportunity to participate in the Ethics Course or any derivative thereof, without the prior and unsolicited written request of that child’s parent or guardian.

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24 February, 2012